

## § 1620.1

1620.4 Notices.

### **Subpart B—Cooperative Extension Service, Union, and Intergovernmental Personnel Act Employees**

1620.10 Definition.  
1620.11 Scope.  
1620.12 Employing authority contributions.  
1620.13 Retroactive contributions.  
1620.14 Payment to the record keeper.

### **Subpart C—Justices and Judges**

1620.20 Scope.  
1620.21 Contributions.  
1620.22 Withdrawals.  
1620.23 Spousal rights.

### **Subpart D—Nonappropriated Fund Employees**

1620.30 Scope.  
1620.31 Definition.  
1620.32 Employees who move to a NAF instrumentality on or after August 10, 1996.  
1620.33 [Reserved]  
1620.34 Employees who move from a NAF instrumentality to a Federal Government agency.  
1620.35 Loan payments.  
1620.36 Transmission of information.

### **Subpart E—Uniformed Services Employment and Reemployment Rights Act (USERRA)—Covered Military Service**

1620.40 Scope.  
1620.41 Definitions.  
1620.42 Processing TSP contribution elections.  
1620.43 Agency payments to record keeper; agency ultimately responsible.  
1620.44 Restoring forfeited agency automatic (1%) contributions.  
1620.45 Suspending TSP loans, restoring post-employment withdrawals, and reversing taxable distributions.  
1620.46 Agency responsibilities.

AUTHORITY: 5 U.S.C. 8474(b)(5) and (c)(1).  
Subpart C also issued under 5 U.S.C. 8440a(b)(7), 8440b(b)(8), and 8440c(b)(8).  
Subpart D also issued under sec. 1043(b) of Pub. L. 104-106, 110 Stat. 186, and sec. 7202(m)(2) of Pub. L. 101-508, 104 Stat. 1388.  
Subpart E also issued under 5 U.S.C. 8432b(1) and 8440e.

SOURCE: 64 FR 31057, June 9, 1999, unless otherwise noted.

### **Subpart A—General**

#### **§ 1620.1 Application.**

The Federal Employees' Retirement System Act of 1986 (codified as amend-

## 5 CFR Ch. VI (1-1-07 Edition)

ed largely at 5 U.S.C. 8351 and 8401 through 8479) originally limited TSP eligibility to specifically named groups of employees. On various occasions, Congress has since expanded TSP eligibility to other groups. Depending on the circumstances, that subsequent legislation requires retroactive contributions or provides other special features. Where necessary, this part describes those special features. The employees and employing agencies covered by this part are also governed by the other regulations in 5 CFR chapter VI to the extent that they do not conflict with the regulations of this part.

[64 FR 31057, June 9, 1999, as amended at 70 FR 32213, June 1, 2005]

#### **§ 1620.2 Definitions.**

The definitions generally applicable to the Thrift Savings Plan are set forth at 5 CFR 1690.1.

[70 FR 32213, June 1, 2005]

#### **§ 1620.3 Contributions.**

The employing agency is responsible for transmitting to the Board's record keeper, in accordance with Board procedures, any employee and employer contributions that are required by this part.

#### **§ 1620.4 Notices.**

An employing agency must notify affected employees of the application of this part as soon as practicable.

### **Subpart B—Cooperative Extension Service, Union, and Intergovernmental Personnel Act Employees**

#### **§ 1620.10 Definition.**

As used in this subpart, *employing authority* means the entity that employs an individual described in § 1620.11 and which has the authority to make personnel compensation decisions for such employee.

#### **§ 1620.11 Scope.**

This subpart applies to any individual participating in CSRS or FERS who:

(a) Has been appointed or otherwise assigned to one of the cooperative extension services, as defined in 7 U.S.C. 3103(5);

(b) Has entered on approved leave without pay to serve as a full-time officer or employee of an organization composed primarily of employees as defined by 5 U.S.C. 8331(1) and 8401(11); or

(c) Has been assigned, on an approved leave-without-pay basis, from a Federal agency to a state or local government under 5 U.S.C. chapter 33, subchapter VI.

#### § 1620.12 Employing authority contributions.

The employing authority, at its sole discretion, may choose to make employer contributions under 5 U.S.C. 8432(c) for employees who are covered under FERS. Such contributions may be made for any period of eligible service after January 1, 1984, provided that the employing agency must treat all its employees who are eligible to receive employer contributions in the same manner. The employing authority can commence or terminate employer contributions at any time after providing all affected employees with notice of a decision to commence or terminate such contributions at least 45 days before the beginning of the applicable election period. The employing authority may not contribute to the TSP on behalf of CSRS employees.

[64 FR 31057, June 9, 1999, as amended at 70 FR 32213, June 1, 2005]

#### § 1620.13 Retroactive contributions.

(a) An employing authority can make retroactive employer contributions on behalf of FERS employees described in this subpart, but cannot duplicate employer contributions already made to the TSP.

(b) An employing authority making retroactive employing agency contributions on behalf of a FERS employee described in §1620.12 must continue those contributions (but only to the extent they relate to service with the employing authority) if the employee returns to his or her agency of record or is transferred to another Federal agency without a break in service.

(c) CSRS and FERS employees covered by this subpart can make retroactive employee contributions relating to periods of service described in §1620.12, unless they already have been given the opportunity to make contributions for these periods of service.

#### § 1620.14 Payment to the record keeper.

(a) The employing authority of a cooperative extension service employee (described at §1620.11(a)) is responsible for transmitting employer and employee contributions to the TSP record keeper.

(b) The employing authority of a union employee or an Intergovernmental Personnel Act employee (described at §1620.11(b) and (c), respectively) is responsible for transmitting employer and employee contributions to the employee's Federal agency of record. Employee contributions will be deducted from the employee's actual pay. The employee's agency of record is responsible for transmitting the employer and employee's contributions to the TSP record keeper in accordance with Board procedures. The employee's election form (TSP-1) will be filed in the employee's official personnel folder or other similar file maintained by the employing authority.

### Subpart C—Justices and Judges

#### § 1620.20 Scope.

(a) This subpart applies to:

(1) A justice or judge of the United States as defined in 28 U.S.C. 451;

(2) A bankruptcy judge appointed under 28 U.S.C. 152 or a United States magistrate judge appointed under 28 U.S.C. 631 who has chosen to receive a judges' annuity described at 28 U.S.C. 377 or section 2(c) of the Retirement and Survivors' Annuities for Bankruptcy Judges and Magistrates Act of 1988, Public Law 100-659, 102 Stat. 3910-3921;

(3) A judge of the United States Court of Federal Claims appointed under 28 U.S.C. 171 whose retirement is covered by 28 U.S.C. 178; and

(4) A judge of the Court of Veterans Appeals appointed under 38 U.S.C. 7253.

(b) This subpart does not apply to a bankruptcy judge or a United States