

§ 792.223

that agency. OPM has provided guidance for determining eligibility in the “Guide for Implementing Child Care Legislation—Public Law 107-67, Sec. 630.” This publication is available on OPM’s Web site, <http://www.opm.gov/wrkfam>.

§ 792.223 Who determines if a Federal employee qualifies as a lower income employee and how is the program administered?

The agency or another appropriately identified organization determines eligibility using certain income and/or subsidy program criteria chosen by the agency. If the agency itself does not administer the program, it must select another organization to do so, using procedures that are in accordance with the Federal Acquisition Regulations. Regardless of what organization administers the program, the model for determining both the subsidy program eligibility and the amount of the subsidy is always determined by the Federal agency.

§ 792.224 Are child care subsidies paid to the Federal employee using the child care?

Agencies must pay the child care provider directly, unless one of the following exceptions applies:

- (a) If an agency chooses to have an organization administer its program (see § 792.223), the organization pays the child care provider;
- (b) For overseas locations, the agency may choose to pay the employee if the provider deals only in foreign currency; or
- (c) In unique circumstances, an agency may obtain written permission from OPM to do so.

§ 792.225 May an agency disburse funds to an organization that administers the child care subsidy program prior to the time the employee receives the child care services?

The agency may disburse funds to an organization that administers the child care subsidy program in one lump sum. The organization will be responsible for tracking the funds and providing the agency with regular reports. An agency contract should specify that any unex-

5 CFR Ch. I (1-1-08 Edition)

pending funds shall be returned to the agency after the contract is completed.

§ 792.226 How may an agency disburse funds to a Federally sponsored child care center in a multi-tenant building?

In a multi-tenant building, funds from the agencies may be pooled together for the benefit of the employees qualified for the child care subsidy program.

§ 792.227 How long will the child care subsidy program be in effect for a Federal employee?

The child care subsidy program, in the form of a reduced child care cost rate, shall be in effect from the time the agency makes a decision for a particular Federal employee and the child is enrolled in the program until one of the following occurs:

- (a) The child is no longer enrolled in the program;
- (b) The employee no longer qualifies as a “lower income employee”; or
- (c) The agency no longer has a child care subsidy program.

§ 792.228 May these funds be used for children of Federal employees who are already enrolled in child care?

The funds may be used for children currently enrolled in child care as long as their families meet the child care subsidy program eligibility requirements established by the agency.

§ 792.229 May an agency place restrictions or requirements on the use of these funds, and may the agency restrict the disbursement of such funds to only one type of child care or to one location?

(a) Depending on the agency’s staffing needs and the employees’ own needs, including the local availability of child care, the agency may choose to place restrictions on the use of its funds for the child care subsidy program. For example, an agency may decide to restrict use to the following:

- (1) Federal employees who are full-time permanent employees;
- (2) Federal employees using an agency on-site child care center;
- (3) Federal employees using full-time child care; or

(4) Federal employees using child care in specific locations.

(a) With the exception of §792.229(c) an agency may determine whether and what restrictions to impose on the use of appropriated funds for the child care subsidy program.

(b) Agencies must not restrict the use of funds to apply to accredited child care providers only.

§792.230 May an agency use appropriated funds to improve the physical space of the family child care homes or child care centers?

An agency may not use appropriated funds under this program to improve the physical space of child care centers and family child care homes.

§792.231 Is an agency permitted to make advance child care subsidy program payments for an individual Federal employee?

An agency may choose to make advance payments to a child care provider in certain situations. Advance payments may be paid to the child care provider when the provider requires payment up to one month in advance of rendering services. Except in accordance with §792.225, an agency may not make advance payments for more than one month before the employee receives child care services.

PART 831—RETIREMENT

Subpart A—Administration and General Provisions

- Sec.
- 831.101 Administration.
 - 831.102 Basic records.
 - 831.103 Evidence.
 - 831.104 Application.
 - 831.105 Computation of interest.
 - 831.106 Disclosure of information.
 - 831.107 Computation of time.
 - 831.109 Initial decision and reconsideration.
 - 831.110 Appeals.
 - 831.111 Employee deductions and agency contributions.
 - 831.112 Definitions of employee.
 - 831.113 Payments to children.
 - 831.114 Voluntary early retirement-substantial delayering, reorganization, reduction in force, transfer of function, or other workforce restructuring.

Subpart B—Coverage

- 831.201 Exclusions from retirement coverage.
- 831.202 Continuation of coverage for food service employees of the House of Representatives.
- 831.203 Continuation of coverage for employees of the Metropolitan Washington Airports Authority.
- 831.204 Elections of retirement coverage under the District of Columbia Financial Responsibility and Management Assistance Act of 1995.
- 831.205 CSRS coverage determinations to be approved by OPM.

Subpart C—Credit for Service

- 831.301 Military service.
- 831.302 Unused sick leave.
- 831.303 Civilian service.
- 831.304 Service with the Cadet Nurse Corps during World War II.
- 831.305 Service with a nonappropriated fund instrumentality after June 18, 1952, but before January 1, 1966.
- 831.306 Service as a National Guard technician before January 1, 1969.
- 831.307 Contract service.

Subpart D—Voluntary Contributions

- 831.401 Purpose and scope.
- 831.402 Definitions.
- 831.403 Eligibility to make voluntary contributions.
- 831.404 Procedure for making voluntary contributions.
- 831.405 Interest on voluntary contributions.
- 831.406 Withdrawal of voluntary contributions.
- 831.407 Purchase of additional annuity.

Subpart E—Eligibility for Retirement

- 831.501 Time for filing applications.
- 831.502 Automatic separation; exemption.
- 831.503 Retirement based on involuntary separation.

Subpart F—Survivor Annuities

ORGANIZATION AND STRUCTURE OF REGULATIONS ON SURVIVOR ANNUITIES

- 831.601 Purpose and scope.
- 831.602 Relation to other regulations.
- 831.603 Definitions.

ELECTIONS AT THE TIME OF RETIREMENT

- 831.611 Election at time of retirement of fully reduced annuity to provide a current spouse annuity.
- 831.612 Election at time of retirement of a fully reduced annuity or a partially reduced annuity to provide a former spouse annuity.