



March 18, 2020

Mr. Brian J. Wagner
President
National Association of Postal Supervisors
1727 King Street, Suite 400
Alexandria, VA 22314-2753

Dear Brian;

This is to follow-up on our March 25, 2019, notification regarding changes to the Employee and Labor Relations Manual (ELM) Section 450, *Collection of Postal Debts from Nonbargaining Unit Employees by Salary Offset*, and Section 460, *Collection of Postal Debts from Bargaining Unit Employees by Salary Offset*.

We have updated the revisions outlined in our March 25, 2019, notice by editing the entire document to correct grammatical errors and sentence structure issues. There were no changes to any of the content.

We anticipate that the system changes and new process are schedule to be implemented on March 29 and the revisions will be published in the September 2020 Postal Bulletin.

We have enclosed:

- A final draft copy of ELM Sections 450 and 460 with changes from the March 25, 2019, version identified.
- A final draft copy of ELM Sections 450 and 460.

Please contact Bruce Nicholson at extension 7773 if you have any questions concerning this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "David E. Mills".

David E. Mills
A/Manager
Labor Relations Policies and Programs

Enclosures

460 Collection of Postal Debts From Bargaining Unit Employees by Salary Offset

461 General

461.1 Scope

These regulations apply to the collection, by salary offset, of any debt owed the Postal Service by a current employee who is included in a collective bargaining unit. If the circumstances specified in [462.32](#) apply to such employees, [452.3](#) may also apply; consequently, [451.2](#), [451.4](#), and [451.6](#) may apply as well. See [470](#) and [480](#) for procedures governing the collection of a debt from a former employee by administrative offset pursuant to the authority of section 10 of the Debt Collection Act, 31 U.S.C. 3716.

461.2 Issues Not Covered in the Subchapter

This subchapter does not cover the following issues:

- a. *Other debt collection procedures* — procedures governing the collection of debts from former employees by administrative offset pursuant to the authority of section 10 of the Debt Collection Act, 31 U.S.C. 3716 (see [470](#) and [480](#)).
- b. *Debts due other federal agencies* — regulations governing the collection by involuntary salary offset of debts Postal Service employees owe to federal agencies other than the Postal Service.

461.3 Definitions

The following definitions apply to the material in this subchapter:

- a. *Administrative salary offset* — the collection of a debt owed to the Postal Service or other government agency through deductions from the disposable pay of a Postal Service employee under the authority of section 5 of the Debt Collection Act of 1982, 5 U.S.C. 5514(a).
- b. *Court judgment salary offset* — the collection of a debt owed to the Postal Service or other government agency through deductions from the current pay of a Postal Service employee under the authority of section 124 of Public Law 97-276.
- c. *Current pay or disposable pay* — that part of an employee's salary that remains after all required deductions (normal retirement contributions, FICA and Medicare insurance taxes, federal income tax, state and local income taxes, and employee-paid federal health insurance premiums) are made.
- d. *Debt* — any outstanding amount owed to the Postal Service by an employee.
- e. *Employee* — a current employee of the Postal Service.
- f. *Pay* — basic pay, special pay, incentive pay, retired pay, retainer pay, or any other authorized pay, including cost-of-living adjustment or territorial cost-of-living allowance, an employee receives.
- g. *Postmaster or installation head* — the top management official at a Post Office or installation or the official who has supervisory responsibility for a debtor employed at Headquarters or in area offices. When the debtor is a postmaster or installation head, the term refers to the official to whom the postmaster or installation head reports.
- h. *Waiver* — the Postal Service's cancellation, remission, or forgiveness of a debt, the recovery of which these regulations cover.

462 Procedures Governing Administrative Salary Offsets

462.1 Determination and Collection of Debt

462.11 Establishment of Accounts Receivable

Various circumstances may generate a debt subject to collection under this subchapter. These may include but are not limited to the following:

- a. Payroll.
- b. Adjustments.
- c. Field shortages, such as stock and cash shortages.
- d. Advances.

462.12 Postmaster or Installation Head Responsibilities

Each postmaster, installation head, and designee is responsible for the following:

- a. Monitoring the debt-collection process.
- b. Maintaining supporting documentation.
- c. Ensuring that the debt is resolved.

462.2 Applicable Collection Procedures

462.21 Right to Grieve Letters of Demand

Bargaining unit employees or their union have the right in accordance with the provisions of Article 15 of the applicable collective bargaining agreement to initiate a grievance concerning any letter of demand to challenge the following:

- a. The existence of a debt owed to the Postal Service.
- b. The amount of such debt.
- c. The proposed repayment schedule.
- d. Any other issue arising under Article 28 of the applicable collective bargaining agreement.

The Postal Service must ensure that any letter of demand served on an employee provides notice of the employee's right to challenge the demand under the applicable collective bargaining agreement.

462.22 Right to Petition for Hearing

If the Postal Service intends to proceed with the collection of the debt, statutory offset procedures in [452.3](#) apply (also see [462.32](#)), including the right to petition for a hearing after the employee's receipt of a *Notice of Involuntary Administrative Salary Offsets Under the Debt Collection Act*, under the following circumstances:

- a. *Failure to Initiate a Grievance in Time*. If a bargaining unit employee or the employee's union does not initiate a grievance challenging one or more of the following within 14 days of the employee's receipt of a letter of demand:
 - (1) The existence of a debt owed to the Postal Service.
 - (2) The amount of such debt.
 - (3) The proposed repayment schedule.
 - b. *Failure to advance a grievance in time* — if a bargaining unit employee or the employee's union initiates a grievance in time challenging one or more of the following, but the employee's union, following receipt of a decision denying the grievance, does not advance the grievance to the next step of the grievance procedure within the time limits set in Article 15 of the applicable collective bargaining agreement:
 - (1) The existence of a debt owed to the Postal Service.
 - (2) The amount of such debt.
 - (3) The proposed repayment schedule.
 - c. *Partial settlement of a grievance* — if a grievance challenging one or more of the following is resolved at any stage of the grievance–arbitration procedure through a written settlement agreement between the Postal Service and the union under which the employee remains liable for all or a portion of the debt:
 - (1) The existence of a debt owed to the Postal Service.
 - (2) The amount of such debt.
 - (3) The proposed repayment schedule.
- If the employee petitions for a hearing under [452.335](#), the Postal Service is free to pursue collection of the full amount of the debt before the hearing officer, notwithstanding the settlement with the union. However, if any contractual issue is resolved at any stage of the grievance–arbitration procedure, the settlement of that issue is final and binding.
- d. *Ruling of nonarbitrability* — if an arbitrator rules that a grievance concerning any letter of demand is not arbitrable.

462.3 Statutory Offset Procedures

462.31 Authority

Under section 5 of the Debt Collection Act, 5 U.S.C. 5514(a) (1982), the Postal Service may, after providing certain procedural rights, offset an employee's salary to satisfy any debt due the Postal Service. The Postal Service will deduct 15 percent of an individual's disposable pay (see [462.42](#)). If the individual's employment ends before collection of the full debt, the Postal Service may make deductions from subsequent payments of any nature due the employee.

462.32 Initiation of Statutory Offset Procedure

At least 30 calendar days before making an administrative offset under this authority, the Postal Service will issue required notices to the employee's address on record. If an employee does not receive a notice, the postmaster or installation head will provide the following to the employee:

- a. A copy of the *Notice of Involuntary Administrative Salary Offsets Under the Debt Collection Act* containing the information in [452.322](#).
- b. A copy of the procedures that govern hearings under the Debt Collection Act that are in 39 CFR Part 961. Copies are also available at www.gpo.gov.

462.33 Hearing Officials under 39 CFR Part 961

In accordance with 39 CFR 961.3, any individual who is not under the control or supervision of the postmaster general and who the judicial officer designates as a hearing official may conduct administrative hearings under the Debt Collection Act.

462.34 Limit of Right to Petition for Hearing

If an arbitrator opens a hearing on the merits of a grievance concerning any letter of demand, statutory offset procedures in [452.3](#) do not apply thereafter, unless one of the following occurs:

- a. The arbitrator makes a ruling of nonarbitrability (see [462.22d](#)).
- b. The Postal Service and the union negotiate a partial settlement of the grievance (see [462.22c](#)).

462.4 Collection of Debt

462.41 Stay of Collection of Debt

The Postal Service will stay the collection of the debt until after the disposition of the grievance, petition, or both through settlement or exhaustion of the contractual or administrative remedies, whenever at least one of the following occurs:

- a. A grievance concerning any letter of demand has been initiated timely, in accordance with Article 15 of the applicable collective bargaining agreement.
- b. A petition for a hearing has been filed timely, in accordance with [462.22](#), regardless of the type and amount of the debt.

462.42 Limit on Amount of Salary Offset to Collect Debt

Except as specified in [463](#), the maximum salary offset to collect a debt that is owed to the Postal Service is 15 percent of an employee's biweekly disposable pay, or 20 percent of the employee's biweekly gross pay, whichever amount is lower when the salary offset started. A greater salary offset may be made if the employee agrees with the Postal Service, in writing, on such greater amount.

462.43 Payment in Full

An employee who acknowledges the debt's validity and wishes to pay the debt in full may submit payment to the Eagan Accounting Service Center (ASC), as described in [452.242](#).

462.44 Employee's Failure to Respond to Notices

If, upon receiving notice of the Postal Service's intention to collect a debt through involuntary salary offsets, the employee fails to repay the debt, and does not request a hearing on the Postal Service's determination of the debt, the Postal Service will collect the debt by automatic payroll deductions.

462.45 Limit on Amount of Salary Offset to Collect Debt

Except as specified in [463](#), the maximum salary offset to collect a debt that is owed to the Postal Service is 15 percent of an employee's disposable pay.

462.5 Implementing Offsets

After the applicable procedural requirements have been followed, the Postal Service will automatically initiate payroll deductions.

463 Court Judgment Salary Offsets

463.1 Authority

In accordance with section 124 of Public Law 97-276 (October 2, 1982), 5 U.S.C. 5514 note (1982), the Postal Service may deduct up to one-fourth (25 percent) of an employee's current pay in monthly installments or at officially established pay periods to satisfy a debt that a federal court determined the employee owes the Postal Service. The statute authorizes the deduction of a greater amount if necessary to collect the debt within the employee's anticipated period of employment.

If an individual's employment ends before the full amount of the indebtedness has been collected, section 124 states that the deduction is to be made from later payments of any nature due the employee.

463.2 Applicable Collection Procedures

463.21 General

Requirements governing the collection of employer claims specified by a pertinent collective bargaining agreement are not applicable to the collection by salary offset of a Postal Service claim if a federal court has granted judgment upholding the debt.

463.22 Notice

At least 15 calendar days before initiating an offset to collect a debt reflected by a federal court judgment, the Eagan ASC will provide the employee with a copy of that judgment, as well as with written notice of the Postal Service's intention to deduct 25 percent of the employee's current pay each pay period until the judgment is satisfied. The letter also must state

the approximate amount, and duration and starting date of the deductions. Generally, the Postal Service must use Certified Mail or Priority Mail Express to deliver the letter and judgment.

463.23 Implementing Offsets

The offset specified in the notice to the employee will begin no earlier than 15 calendar days after the employee's receipt of the letter.

464 Multiple Offsets

464.1 Administrative Salary Offsets

By statute, administrative salary offsets under section 5 of the Debt Collection Act of 1982 are limited to no more than 15 percent of an employee's disposable pay during any one pay period — whether the deductions are made to satisfy a debt owed the Postal Service, another federal agency, or some combination of these. Generally, priority among competing administrative salary offset requests is determined by the order in which they are received.

However, a request to collect a debt due the Postal Service must be given priority over other government agency offset requests, regardless of the date the postal offset request is received. If a collection request cannot be honored upon receipt, or can be honored only in part, the postmaster or installation head must notify the requesting postal or other government official, in writing, of the reasons for the delay or for the collection of a lesser amount than that requested, and the approximate date the requested offsets can be implemented.

464.2 Court Judgment Salary Offsets

No more than 25 percent of an employee's current pay may be withheld to satisfy a debt that a federal court determined to be due the United States — whether the deductions are made to satisfy a debt owed the Postal Service, another federal agency, or some combination of these. Generally, priority among competing court judgment salary offset requests is determined by the order in which they are received.

However, a request to collect a debt due the Postal Service must be given priority over other government agency offset requests regardless of the date the postal offset request is received. If a collection request cannot be honored upon receipt, or can be honored only in part, the postmaster or installation head must notify the requesting postal or other government official, in writing, of the reasons for the delay or for the collection of a lesser amount than that requested, and the approximate date the requested offsets can be implemented.

464.3 Administrative and Court Judgment Salary Offsets

If the salary of a postal employee is the target of one or more of both types of offsets — administrative and court judgment — a combined total of no more than 25 percent will be withheld during any one pay period. However, in no case may the amount withheld in accordance with administrative salary offsets exceed 15 percent of current pay. As is generally the case with competing offsets of the same type and subject to [464.4](#), priority between administrative salary offsets and court judgment salary offsets is determined by the order in which they are received.

464.4 Priority of Postal Service Indebtedness

If a postal employee is indebted to the Postal Service, that debt takes priority over any debt he or she may owe another federal agency, even if the other agency's request for salary offsets was received first. Accordingly, if both the Postal Service and another agency request the maximum allowable deductions, collection of the other agency's debt must be interrupted or postponed until the entire postal debt is recovered.

However, if an amount less than that requested by the other agency can be deducted in addition to the offsets the Postal Service requests without exceeding the appropriate percentage ceiling, deductions for the lesser amount must be withheld and forwarded to the requesting agency, along with an explanation for the smaller offsets.

464.5 Garnishments

Administrative salary offsets based on section 5 of the Debt Collection Act of 1982 and court judgment salary offsets based on section 124 of Public Law 97-276 are not, as a matter of law, considered garnishments. For purposes of determining an employee's disposable earnings under the Federal Consumer Credit Protection Act, 15 U.S.C. 1671, et seq., these withholdings are considered to be amounts required by law to be deducted. Accordingly, they should be deducted before the applicable garnishment ceilings are imposed and before deductions for garnishments are made.

465 Action Upon Transfer or Separation

465.1 Withholding Funds from Amount Due

If a Postal Service employee whose wages are subject to offset transfers to another federal agency or separates from employment, the Postal Service applies any amount due the employee at the time of his or her separation to the debt owed the Postal Service, subject to the requirements of 31 U.S.C. 3716 as outlined in [470](#) and [480](#), if appropriate. If the debt is still not satisfied, appropriate action as described in [465.2](#) or [465.3](#) should be taken.

465.2 Transfer to Another Federal Agency

If a Postal Service employee whose wages are subject to offset transfers to another federal agency, and the full debt cannot be collected from amounts due the employee from the Postal Service, the following procedures apply:

- a. The Postal Service must request that the former employee's new agency continue to offset the debtor's salary until the debt is satisfied.
- b. The request must specify all of the following:
 - (1) Amount of the original debt.
 - (2) Amount collected by the Postal Service through salary offsets.
 - (3) Amount that remains to be collected.
 - (4) Percentage of the debtor's disposable earnings or current pay that should be deducted each pay period.
- c. The Postal Service must certify that the former postal employee has been accorded all due process rights to which he or she is entitled.
- d. When the Postal Service sends the request to the new employing agency, it must also send a copy to the former employee at his or her home address.

465.3 Collection of Debt upon Separation

If the Postal Service cannot collect the full debt from amounts due the employee at the time of his or her separation, the financial processing branch manager must attempt to recover the debt from any retirement or disability payments due the former employee in accordance with the provisions of 5 CFR 831, Subpart R, or 5 CFR 845, Subpart D, subject to the requirements or 31 U.S.C. 3716 as outlined in 470 and 480, if appropriate.

460 Collection of Postal Debts From Bargaining Unit Employees by Salary Offset

461 General

461.1 Scope

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- b. *Debts due other federal agencies* — ~~r~~Regulations governing the collection by involuntary salary offset of debts [Postal Service employees owe d by Postal Service employees](#) to federal agencies other than the Postal Service.

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- c. *Current pay or ~~D~~isposable pay* — that part of an employee's salary that remains after all required deductions (~~(~~normal retirement contributions, FICA and Medicare insurance taxes, federal income tax, state and local income taxes, and employee-paid federal health insurance premiums) are made.
- d. *Debt* — any outstanding amount owed to the Postal Service by an employee.
- e. *Employee* — a current employee of the Postal Service.
- f. *Pay* — basic pay, special pay, incentive pay, retired pay, retainer pay, or any other authorized pay, including cost-of-living adjustment or territorial cost-of-living allowance, [an employee](#) receives ~~ed by an employee.~~
- g. *Postmaster or installation head* — the top management official at a Post Office or installation or the official who has supervisory responsibility for a debtor employed at Headquarters or in area offices. When the debtor is a postmaster or installation head, the term refers to the official to whom the postmaster or installation head reports.
- h. *Waiver* — the Postal Service's cancellation, remission, or forgiveness of a debt, the recovery of which [these regulations](#) ~~is covered by these regulations.~~

462 Procedures Governing Administrative Salary Offsets

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Each postmaster, installation head, ~~or and~~ designee is responsible for the following:

- a. Monitoring the debt-collection process.
- b. Maintaining supporting documentation.

In accordance with section 124 of Public Law 97–276 (October 2, 1982), 5 U.S.C. 5514 note (1982), the Postal Service may deduct up to one-fourth (25 percent) of an employee's "current pay" in monthly installments or at officially established pay periods to satisfy a debt ~~that a federal court determined by a federal court to be~~ the employee owes to the Postal Service. The statute authorizes the deduction of a "greater amount" if necessary to collect the debt within the employee's anticipated period of employment.

If an individual's employment ends before the full amount of the indebtedness has been collected, [section 124 states](#) ~~provides that the~~ deduction is to be made from later payments of any nature due the employee.

463.2 Applicable Collection Procedures

463.21 General

~~The~~ requirements governing the collection of employer claims specified by a pertinent collective bargaining agreement are not applicable to the collection by salary offset of a Postal Service claim if a federal court has granted judgment upholding the debt.

463.22 Notice

At least 15 calendar days before initiating an offset to collect a debt reflected by a federal court judgment, the ~~postmaster or installation head must Eagan ASC will~~ provide the employee with a copy of that judgment, as well as with written notice of the Postal Service's intention to deduct 25 percent of the employee's current pay each pay period until the judgment is satisfied. The letter ~~(see Exhibit 463.21, Sample Letter of Salary Offsets Based on Federal Courts Judgment)~~ also must [state include a statement that indicates](#) the approximate amount, [and](#) duration, and starting date of the deductions. ~~The letter and judgment g~~Generally, ~~should be hand-delivered, and a dated, signed receipt of delivery obtained. However, if personal delivery is not possible, the Postal Service must use Certified Mail or Priority Mail Express, return receipt requested, should be used.~~ to deliver the letter and judgment.

463.23 Implementing Offsets

The offset specified in the notice to the employee will begin no earlier than 15 calendar days after the employee's receipt of the letter.

464 Multiple Offsets

464.1 Administrative Salary Offsets

By statute, administrative salary offsets under section 5 of the Debt Collection Act of 1982 are limited to no more than 15 percent of an employee's disposable pay during any one pay period — whether the deductions are made to satisfy a debt owed the Postal Service, another federal agency, or some combination of these. Generally, priority among competing administrative salary offset requests is determined by the order in which they are received.

However, a request to collect a debt due the Postal Service must be given priority over other government agency offset requests, regardless of the date the postal offset request is received. If a collection request cannot be honored upon receipt, or can be honored only in part, the postmaster or installation head must notify the requesting postal or other government official, in writing, of the reasons for the delay or for the collection of a lesser amount than that requested, and the approximate date the requested offsets can be implemented.

464.2 Court Judgment Salary Offsets

No more than 25 percent of an employee's current pay may be withheld to satisfy a debt [that a federal court determined by a federal court](#) to be due the United States — whether the deductions are made to satisfy a debt owed the Postal Service, another federal agency, or some combination of these. Generally, priority among competing court judgment salary offset requests is determined by the order in which they are received.

However, a request to collect a debt due the Postal Service must be given priority over other government agency offset requests regardless of the date the postal offset request is received. If a collection request cannot be honored upon receipt, or can be honored only in part, the postmaster or installation head must notify the requesting postal or other government official, in writing, of the reasons for the delay or for the collection of a lesser amount than that requested, and the approximate date the requested offsets can be implemented.

464.3 Administrative and Court Judgment Salary Offsets

If the salary of a postal employee is the target of one or more of both types of offsets — administrative and court judgment — a combined total of no more than 25 percent will be withheld during any one pay period. However, in no case may the amount withheld in accordance with administrative salary offsets exceed 15 percent of current pay. As is generally the case with competing offsets of the same type and subject to [464.4](#), priority between administrative salary offsets and court judgment salary offsets is determined by the order in which they are received.

464.4 Priority of Postal Service Indebtedness

If a postal employee is indebted to the Postal Service, that debt takes priority over any debt he or she may owe another federal agency, even if the other agency's request for salary offsets was received first. Accordingly, if both the Postal Service and another agency request the maximum allowable deductions, collection of the other agency's debt must be interrupted or postponed until the entire postal debt is recovered.

However, if an amount less than that requested by the other agency can be deducted in addition to the offsets [the Postal Service](#) requested ~~by the Postal Service~~ without exceeding the appropriate percentage ceiling, deductions for the lesser amount must be withheld and forwarded to the requesting agency, along with an explanation for the smaller offsets.

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465 Action Upon Transfer or Separation

465.1 Withholding Funds ~~f~~From Amount Due

If a Postal Service employee whose wages are subject to offset transfers to another federal agency or separates from employment, the Postal Service applies any amount due the employee at the time of his or her separation to the debt owed the Postal Service, subject to the requirements of 31 U.S.C. 3716 as outlined in [470](#) and [480](#), if appropriate. If the debt is still not satisfied, appropriate action as described in [465.2](#) or [465.3](#) should be taken.

465.2 Transfer to Another Federal Agency

If a Postal Service employee whose wages are subject to offset transfers to another federal agency, and the full debt cannot be collected from amounts due the employee from the Postal Service, the following procedures apply:

- a. The Postal Service must request that the former employee's new agency continue to offset the debtor's salary until the debt is satisfied.
- b. The request must specify all of the following:
 - (1) Amount of the original debt.
 - (2) Amount collected by the Postal Service through salary offsets.
 - (3) Amount that remains to be collected.
 - (4) Percentage of the debtor's disposable earnings or current pay that should be deducted each pay period.
- c. ~~T~~[In addition,](#) the Postal Service must certify that the former postal employee has been accorded all due process rights to which he or she is entitled.
- d. When the Postal Service sends the request to the new employing agency, it must also send a copy to the former employee at his or her home address.

465.3 Collection of Debt ~~U~~pon Separation

If the Postal Service cannot collect the full debt from amounts due the employee at the time of his or her separation, the [financial processing branch](#) manager ~~of the Financial Processing Branch~~ must attempt to recover the debt from any retirement or disability payments due the former employee in accordance with the provisions of 5 CFR 831, Subpart R, or 5 CFR 845, Subpart D, subject to the requirements or 31 U.S.C. 3716 as outlined in [470](#) and [480](#), if appropriate.