

§§ 3538, 3548(c)(2), Sept. 23, 1996, 110 Stat. 2864, 2869.)

REFERENCES IN TEXT

The reference to the Act of July 8, 1937, in subsecs. (a)(1), (d), and (e), is act July 8, 1937, ch. 443, 50 Stat. 478, as amended, which was classified to section 1372 of Title 48, Territories and Insular Possessions, prior to repeal by Pub. L. 87-845, §26(b), Oct. 18, 1962, 76A Stat. 701.

The Canal Zone Code, referred to in subsec. (a)(2), was enacted by Pub. L. 87-845, §1, Oct. 18, 1962, 76A Stat. 1, redesignated the Panama Canal Code by Pub. L. 96-70, title III, §3303(b), Sept. 27, 1979, 93 Stat. 499, and repealed by Pub. L. 104-201, div. C, title XXXV, §3549, Sept. 23, 1996, 110 Stat. 2870.

Section 13(a)(1) of Act July 25, 1958, referred to in subsec. (e), probably means section 13(a) of Pub. L. 85-550, July 25, 1958, 72 Stat. 405, as amended, which is set out as a note under section 8331 of Title 5, Government Organization and Employees.

AMENDMENTS

1996—Pub. L. 104-201, §§ 3538, 3548(c)(2), amended section catchline to read “Administration of certain disability benefits”.

Subsec. (a). Pub. L. 104-201, §3538, added subsec. (a) and struck out former subsec. (a) which read as follows: “The Commission, under the regulations prescribed by the President pursuant to the Act entitled ‘An Act authorizing cash relief for certain employees of the Panama Canal not coming within the provisions of the Canal Zone Retirement Act’, approved July 8, 1937, as amended (50 Stat. 478; 68 Stat. 17), may continue the payments of cash relief to those individual former employees of the Canal Zone Government or Panama Canal Company or their predecessor agencies not coming within the scope of the former Canal Zone Retirement Act whose services were terminated prior to October 5, 1958, because of unfitness for further useful service by reason of mental or physical disability resulting from age or disease. Subject to subsection (b) of this section, that cash relief may not exceed \$1.50 per month for each year of service of the employees so furnished relief, with a maximum of \$45 per month, plus the amount of any cost-of-living increases in such cash relief granted before October 1, 1979, pursuant to section 181 of title 2 of the Canal Zone Code (as in effect on September 30, 1979), nor be paid to any employee who, at the time of termination of disability prior to October 5, 1958, had less than 10 years’ service with the Canal Zone Government, the Panama Canal Company, or their predecessor agencies on the Isthmus of Panama.”

§ 3683. Repealed. Pub. L. 104-201, div. C, title XXXV, § 3546(a)(6), Sept. 23, 1996, 110 Stat. 2868

Section, Pub. L. 96-70, title I, §1246, Sept. 27, 1979, 93 Stat. 476; Pub. L. 100-203, title V, §5428(a), Dec. 22, 1987, 101 Stat. 1330-274, authorized Commission to purchase artificial limbs or other appliances for persons who were injured in service of Isthmian Canal Commission or of Panama Canal before Sept. 7, 1916.

SUBPART V—APPLICATION TO RELATED PERSONNEL

§ 3691. Individuals considered employees

(a) Individuals considered employees for purposes of certain sections

For the purposes of sections 3646,¹ 3671, and 3672 of this title, including any amendment made by sections 1231, 1241, and 1242 of this Act,

¹ See References in Text note below.

the United States Attorney for the District of the Canal Zone and the Assistant United States Attorneys and their clerical assistants, and the United States Marshal for the District of the Canal Zone and his deputies and clerical assistants shall be considered employees of the Commission.

(b) Individuals considered employees for certain purposes

For the purposes of this Act, including any amendment made by this Act, the Executive Director of the Canal Zone Civilian Personnel Policy Coordinating Board, the Manager, Central Examining Office, and their staffs shall be considered to have been employees of the Panama Canal Company with respect to service in those positions before October 1, 1979, and as employees of the Commission with respect to service in those positions on or after that date.

(Pub. L. 96-70, title I, § 1261(a), (b), Sept. 27, 1979, 93 Stat. 476.)

REFERENCES IN TEXT

Section 3646 of this title, referred to in subsec. (a), was repealed by Pub. L. 105-261, div. C, title XXXV, §3507(a), Oct. 17, 1998, 112 Stat. 2269.

Section 1231 of this Act, referred to in subsec. (a), amended sections 5595, 5724a, and 8102 of Title 5, Government Organization and Employees.

Section 1241 of this Act, referred to in subsec. (a), amended section 8336 of Title 5 and enacted provisions set out as notes thereunder.

Section 1242 of this Act, referred to in subsec. (a), amended section 8339 of Title 5 and enacted provisions set out as notes thereunder.

This Act, referred to in subsec. (b), is Pub. L. 96-70, Sept. 27, 1979, 93 Stat. 452, known as the Panama Canal Act of 1979, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of this title and Tables.

EFFECTIVE DATE

Section 1261(c) of Pub. L. 96-70 provided that: “The provisions of this section [enacting this section] shall take effect on the date of the enactment of this Act [Sept. 27, 1979].”

SUBPART VI—LABOR-MANAGEMENT RELATIONS

§ 3701. Labor-management relations

(a) Applicability of chapter 71 of title 5

Nothing in this chapter shall be construed to affect the applicability of chapter 71 of title 5, relating to labor-management and employee relations, with respect to the Commission or the operations of any other Executive agency conducted in that area of the Republic of Panama which, on September 30, 1979, was the Canal Zone, except that in applying those provisions—

(1) the definition of “employee” shall be applied without regard to clause (i) of section 7103(a)(2) of such title 5 which relates to nationality and citizenship;

(2) a unit shall be considered to be appropriate notwithstanding the fact that it includes any supervisor if that supervisor’s position (or type of position) was, before October 1, 1979, represented before the Panama Canal Company by a labor organization that included employees who were not supervisors; and

(3) any negotiated grievance procedures under section 7121 of title 5, including any provisions relating to binding arbitration, shall, with respect to any personnel action to which subchapter II of chapter 75 of such title applies (as determined under section 7512 of such title), be available to the same extent and in the same manner as if employees of the Panama Canal Commission were not excluded from such subchapter under section 7511(b)(8) of such title.

(b) United States laws applicable

Labor-management and employee relations of the Commission, other Executive agencies, and the Smithsonian Institution, their employees, and organizations of those employees, in connection with operations conducted in that area of the Republic of Panama which, on September 30, 1979, was the Canal Zone, shall be governed and regulated solely by the applicable laws, rules, and regulations of the United States.

(c) Resolution of collective bargaining impasses

(1) This subsection applies to any matter that becomes the subject of collective bargaining between the Commission and the exclusive representative for any bargaining unit of employees of the Commission during the period beginning on November 18, 1997, and ending on the Canal Transfer Date.

(2)(A) The resolution of impasses resulting from collective bargaining between the Commission and any such exclusive representative during that period shall be conducted in accordance with such procedures as may be mutually agreed upon between the Commission and the exclusive representative (without regard to any otherwise applicable provisions of chapter 71 of title 5). Such mutually agreed upon procedures shall become effective upon transmittal by the Chairman of the Supervisory Board of the Commission to the Congress of notice of the agreement to use those procedures and a description of those procedures.

(B) The Federal Services Impasses Panel shall not have jurisdiction to resolve any impasse between the Commission and any such exclusive representative in negotiations over a procedure for resolving impasses.

(3) If the Commission and such an exclusive representative do not reach an agreement concerning a procedure for resolving impasses with respect to a bargaining unit and transmit notice of the agreement under paragraph (2) on or before July 1, 1998, the following shall be the procedure by which collective bargaining impasses between the Commission and the exclusive representative for that bargaining unit shall be resolved:

(A) If bargaining efforts do not result in an agreement, either party may timely request the Federal Mediation and Conciliation Service to assist in achieving an agreement.

(B) If an agreement is not reached within 45 days after the date on which either party requests the assistance of the Federal Mediation and Conciliation Service in writing (or within such shorter period as may be mutually agreed upon by the parties), the parties shall be considered to be at an impasse and the Federal Mediation and Conciliation Service shall im-

mediately notify the Federal Services Impasses Panel of the Federal Labor Relations Authority, which shall decide the impasse.

(C) If the Federal Services Impasses Panel fails to issue a decision within 90 days after the date on which notice under subparagraph (B) is received by the Panel (or within such shorter period as may be mutually agreed upon by the parties), the efforts of the Panel shall be terminated.

(D) In such a case, the Chairman of the Panel (or another member in the absence of the Chairman) shall immediately determine the matter by a drawing (conducted in such manner as the Chairman (or, in the absence of the Chairman, such other member) determines appropriate) between the last offer of the Commission and the last offer of the exclusive representative, with the offer chosen through such drawing becoming the binding resolution of the matter.

(4) In the case of a notice of agreement described in paragraph (2)(A) that is transmitted to the Congress as described in the second sentence of that paragraph after July 1, 1998, the impasse resolution procedures covered by that notice shall apply to any impasse between the Commission and the other party to the agreement that is unresolved on the date on which that notice is transmitted to the Congress.

(Pub. L. 96-70, title I, §1271, Sept. 27, 1979, 93 Stat. 476; Pub. L. 103-160, div. C, title XXXV, §3505, Nov. 30, 1993, 107 Stat. 1966; Pub. L. 105-85, div. C, title XXXV, §3527, Nov. 18, 1997, 111 Stat. 2068.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original "this Act", meaning Pub. L. 96-70, Sept. 27, 1979, 93 Stat. 452, known as the Panama Canal Act of 1979, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of this title and Tables.

AMENDMENTS

1997—Subsec. (c). Pub. L. 105-85 added subsec. (c).
1993—Subsec. (a)(3). Pub. L. 103-160 added par. (3).

EFFECTIVE DATE OF 1993 AMENDMENT

Section 3506 of title XXXV of div. C of Pub. L. 103-160 provided that:

"(a) IN GENERAL.—Except as provided in subsection (b), this title [amending this section and enacting provisions set out as a note under section 3641 of this title] shall take effect as of October 1, 1993.

"(b) SPECIAL RULE.—Paragraph (3) of section 1271(a) of the Panama Canal Act of 1979 (22 U.S.C. 3701(a)), as added by section 3505(3), shall take effect on the date of the enactment of this Act [Nov. 30, 1993] and shall apply with respect to grievances arising on or after such date."

PART 3—FUNDS AND ACCOUNTS

SUBPART I—FUNDS

§ 3711. Repealed. Pub. L. 104-201, div. C, title XXXV, § 3546(a)(8), Sept. 23, 1996, 110 Stat. 2868

Section, Pub. L. 96-70, title I, §1301, Sept. 27, 1979, 93 Stat. 477; Pub. L. 100-203, title V, §5428(e), Dec. 22, 1987, 101 Stat. 1330-274, directed that, on Oct. 1, 1979, unex-