

(A) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

(B) except that the President or designee may, at the discretion of the President or designee, issue regulations to implement a provision of subchapter V of chapter 63 of title 5, United States Code, that applies to employees in the executive branch of the Federal Government in lieu of an analogous statutory provision referred to in subsection (a) or (b), if the issuance of such regulations—

(i) would be equally effective for the implementation of the rights and protections under this section; and

(ii) would promote uniformity in the application of Federal law to employees in the executive branch of the Federal Government.

(d) **EFFECTIVE DATE.**—Subsections (a) and (b) shall take effect on the earlier of—

(1) the effective date of regulations issued under subsection (c); or

(2) October 1, 1998.

(Added Pub. L. 104-331, §2(a), Oct. 26, 1996, 110 Stat. 4057.)

#### REFERENCES IN TEXT

The Family and Medical Leave Act of 1993, referred to in subsecs. (a) and (b), is Pub. L. 103-3, Feb. 5, 1993, 107 Stat. 6, as amended, which enacted sections 60m and 60n of Title 2, The Congress, sections 6381 to 6387 of Title 5, Government Organization and Employees, and chapter 28 (§2601 et seq.) of Title 29, Labor, amended section 2105 of Title 5, and enacted provisions set out as notes under section 2601 of Title 29. Sections 101 to 105 and 107 of the Act are classified to sections 2611 to 2615 and 2617, respectively, of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 29 and Tables.

#### EFFECTIVE DATE

Subsec. (c) of this section effective Oct. 26, 1996, see section 471(b) of this title.

### § 413. Rights and protections under the Fair Labor Standards Act of 1938

(a) **FAIR LABOR STANDARDS.**—

(1) **IN GENERAL.**—The rights and protections established by subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 shall apply to covered employees.

(2) **INTERNS AND VOLUNTEERS.**—For the purposes of this section, the term “covered employee” does not include an intern or a volunteer as defined in regulations under subsection (c).

(3) **COMPENSATORY TIME.**—Except as provided in regulations under subsection (c)(3), covered employees may not receive compensatory time in lieu of overtime compensation.

(b) **REMEDY.**—The remedy for a violation of subsection (a) shall be such damages, including liquidated damages, as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938.

(c) **REGULATIONS TO IMPLEMENT SECTION.**—

(1) **IN GENERAL.**—The President, or the designee of the President, shall issue regulations to implement this section.

(2) **AGENCY REGULATIONS.**—Except as provided in paragraph (3), the regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(3) **IRREGULAR WORK SCHEDULES.**—The President or designee shall issue regulations for covered employees whose work schedules directly depend on the schedule of the President or the Vice President that shall be comparable to the provisions in the Fair Labor Standards Act of 1938 that apply to employees who have irregular work schedules.

(d) **EFFECTIVE DATE.**—Subsections (a) and (b) shall take effect on the earlier of—

(1) the effective date of regulations issued under subsection (c); or

(2) October 1, 1998.

(Added Pub. L. 104-331, §2(a), Oct. 26, 1996, 110 Stat. 4058.)

#### REFERENCES IN TEXT

The Fair Labor Standards Act of 1938, referred to in subsecs. (a)(1), (b), and (c)(3), is act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8 (§201 et seq.) of Title 29, Labor. Sections 6, 7, 12, and 16 of the Act are classified to sections 206, 207, 212, and 216, respectively, of Title 29. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

#### EFFECTIVE DATE

Subsec. (c) of this section effective Oct. 26, 1996, see section 471(b) of this title.

### § 414. Rights and protections under the Employee Polygraph Protection Act of 1988

(a) **POLYGRAPH PRACTICES PROHIBITED.**—No employing office may require a covered employee to take a lie detector test where such a test would be prohibited if required by an employer under paragraph (1), (2), or (3) of section 3 of the Employee Polygraph Protection Act of 1988. In addition, the waiver provisions of section 6(d) of such Act shall apply to covered employees.

(b) **REMEDY.**—The remedy for a violation of subsection (a) shall be such damages as would be appropriate if awarded under section 6(c)(1) of the Employee Polygraph Protection Act of 1988.

(c) **REGULATIONS TO IMPLEMENT SECTION.**—

(1) **IN GENERAL.**—The President, or the designee of the President, shall issue regulations to implement this section.

(2) **AGENCY REGULATIONS.**—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) except to the extent that the President

or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(d) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the earlier of—

- (1) the effective date of regulations issued under subsection (c); or
- (2) October 1, 1998.

(Added Pub. L. 104-331, §2(a), Oct. 26, 1996, 110 Stat. 4058.)

#### REFERENCES IN TEXT

Sections 3 and 6 of the Employee Polygraph Protection Act of 1988, referred to in subsecs. (a) and (b), are classified to sections 2002 and 2005, respectively, of Title 29, Labor.

#### EFFECTIVE DATE

Subsec. (c) of this section effective Oct. 26, 1996, see section 471(b) of this title.

### § 415. Rights and protections under the Worker Adjustment and Retraining Notification Act

(a) WORKER ADJUSTMENT AND RETRAINING NOTIFICATION RIGHTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no employing office shall be closed or mass layoff ordered within the meaning of section 3 of the Worker Adjustment and Retraining Notification Act until the end of a 60-day period after the employing office serves written notice of such prospective closing or layoff to representatives of covered employees or, if there are no representatives, to covered employees.

(2) EXCEPTION.—

(A) IN GENERAL.—In the event that a President (hereinafter in this paragraph referred to as the “previous President”) is not elected to a successive term in office as a result of the election of a new President—

(i) no notice or waiting period shall be required under paragraph (1) with respect to the separation of any individual described in subparagraph (B), if such separation occurs pursuant to a closure or mass layoff ordered after the term of the new President commences; and

(ii) if any individual is separated from service, or begins a period of leave under the Family and Medical Leave Act of 1993, before such term commences, nothing in this chapter shall require reinstatement or restoration to employment of the individual after such term commences.

(B) DESCRIPTION OF INDIVIDUALS.—An individual described in this subparagraph is any covered employee serving pursuant to an appointment made during—

- (i) the term of office of the previous President; or
- (ii) any term, earlier than the term referred to in clause (i), during which such previous President served as President or Vice President.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be such damages as would be

appropriate if awarded under paragraphs (1), (2), and (4) of section 5(a) of the Worker Adjustment and Retraining Notification Act.

(c) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The President, or the designee of the President, shall issue regulations to implement this section.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(d) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the earlier of—

- (1) the effective date of regulations issued under subsection (c); or
- (2) October 1, 1998.

(Added Pub. L. 104-331, §2(a), Oct. 26, 1996, 110 Stat. 4059.)

#### REFERENCES IN TEXT

Sections 3 and 5 of the Worker Adjustment and Retraining Notification Act, referred to in subsecs. (a)(1) and (b), are classified to sections 2102 and 2104, respectively, of Title 29, Labor.

The Family and Medical Leave Act of 1993, referred to in subsec. (a)(2)(A)(ii), is Pub. L. 103-3, Feb. 5, 1993, 107 Stat. 6, as amended, which enacted sections 60m and 60n of Title 2, The Congress, sections 6381 to 6387 of Title 5, Government Organization and Employees, and chapter 28 (§2601 et seq.) of Title 29, amended section 2105 of Title 5, and enacted provisions set out as notes under section 2601 of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 29 and Tables.

#### EFFECTIVE DATE

Subsec. (c) of this section effective Oct. 26, 1996, see section 471(b) of this title.

### § 416. Rights and protections relating to veterans' employment and reemployment

(a) EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.—

(1) IN GENERAL.—It shall be unlawful for an employing office to—

(A) discriminate, within the meaning of subsections (a) and (b) of section 4311 of title 38, against an eligible employee;

(B) deny to an eligible employee reemployment rights within the meaning of sections 4312 and 4313 of title 38; or

(C) deny to an eligible employee benefits within the meaning of sections 4316, 4317, and 4318 of title 38.

(2) DEFINITION.—For purposes of this section, the term “eligible employee” means a covered employee performing service in the uniformed services, within the meaning of section 4303(13) of title 38, whose service has not been terminated upon the occurrence of any of the events enumerated in section 4304 of such title.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be such damages as would be