

unless the person was not represented by the Special Counsel before the Merit Systems Protection Board regarding such order or decision.

(Added Pub. L. 103-353, §2(a), Oct. 13, 1994, 108 Stat. 3166; amended Pub. L. 104-275, title III, §311(11), Oct. 9, 1996, 110 Stat. 3336; Pub. L. 105-368, title II, §213(a), Nov. 11, 1998, 112 Stat. 3331; Pub. L. 110-389, title III, §311(d)(2), (e)(2), Oct. 10, 2008, 122 Stat. 4163; Pub. L. 111-275, title VII, §703(a), Oct. 13, 2010, 124 Stat. 2888.)

#### PRIOR PROVISIONS

A prior section 4324 was renumbered section 7624 of this title.

#### AMENDMENTS

2010—Subsec. (b)(4). Pub. L. 111-275 inserted before period at end “declining to initiate an action and represent the person before the Merit Systems Protection Board”.

2008—Subsec. (a)(1). Pub. L. 110-389, §311(d)(2), substituted “Not later than 60 days after the date the Secretary receives such a request, the Secretary shall refer” for “The Secretary shall refer”.

Subsec. (a)(2)(B). Pub. L. 110-389, §311(e)(2), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “If the Special Counsel declines to initiate an action and represent a person before the Merit Systems Protection Board under subparagraph (A), the Special Counsel shall notify such person of that decision.”

1998—Subsec. (c)(1). Pub. L. 105-368 inserted “, without regard as to whether the complaint accrued before, on, or after October 13, 1994” before period at end of first sentence.

1996—Subsec. (a)(1). Pub. L. 104-275, §311(11)(A), struck out “of an unsuccessful effort to resolve a complaint relating to a Federal executive agency” after “notification pursuant to section 4322(e)”.

Subsec. (b). Pub. L. 104-275, §311(11)(B)(i), inserted “or the Office of Personnel Management” after “Federal executive agency” in introductory provisions.

Subsec. (b)(1). Pub. L. 104-275, §311(11)(B)(ii), substituted “under section 4322(a)” for “regarding a complaint under section 4322(c)”.

Subsec. (c)(2). Pub. L. 104-275, §311(11)(C), inserted “or the Office of Personnel Management” after “Federal executive agency” and substituted “Office to comply” for “employee to comply”.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-368, title II, §213(b), Nov. 11, 1998, 112 Stat. 3332, provided that: “The amendment made by subsection (a) [amending this section] shall apply to complaints filed with the Merit Systems Protection Board on or after October 13, 1994.”

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-275 effective Oct. 13, 1994, see section 313 of Pub. L. 104-275, set out as a note under section 4301 of this title.

#### EFFECTIVE DATE

Section effective with respect to reemployments initiated on or after the first day after the 60-day period beginning Oct. 13, 1994, with transition rules, except that provisions necessary for implementation of section 4311 of this title are effective Oct. 13, 1994, see section 8 of Pub. L. 103-353, set out as a note under section 4301 of this title.

### § 4325. Enforcement of rights with respect to certain Federal agencies

(a) This section applies to any person who alleges that—

(1) the reemployment of such person by an agency referred to in subsection (a) of section

4315 was not in accordance with procedures for the reemployment of such person under subsection (b) of such section; or

(2) the failure of such agency to reemploy the person under such section was otherwise wrongful.

(b) Any person referred to in subsection (a) may submit a claim relating to an allegation referred to in that subsection to the inspector general of the agency which is the subject of the allegation. The inspector general shall investigate and resolve the allegation pursuant to procedures prescribed by the head of the agency.

(c) In prescribing procedures for the investigation and resolution of allegations under subsection (b), the head of an agency shall ensure, to the maximum extent practicable, that the procedures are similar to the procedures for investigating and resolving complaints utilized by the Secretary under section 4322(d).

(d) This section may not be construed—

(1) as prohibiting an employee of an agency referred to in subsection (a) from seeking information from the Secretary regarding assistance in seeking reemployment from the agency under this chapter or information relating to the rights and obligations of employees and Federal agencies under this chapter; or

(2) as prohibiting such an agency from voluntarily cooperating with or seeking assistance in or of clarification from the Secretary or the Director of the Office of Personnel Management of any matter arising under this chapter.

(Added Pub. L. 103-353, §2(a), Oct. 13, 1994, 108 Stat. 3167; amended Pub. L. 104-275, title III, §311(12), Oct. 9, 1996, 110 Stat. 3336.)

#### PRIOR PROVISIONS

A prior section 4325 was renumbered section 7625 of this title.

#### AMENDMENTS

1996—Subsec. (d)(1). Pub. L. 104-275 struck out “, alternative employment in the Federal Government under this chapter,” before “or information relating to the rights and obligations” and substituted “employees and” for “employee and”.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-275 effective Oct. 13, 1994, see section 313 of Pub. L. 104-275, set out as a note under section 4301 of this title.

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### § 4326. Conduct of investigation; subpoenas

(a) In carrying out any investigation under this chapter, the Secretary's duly authorized representatives shall, at all reasonable times, have reasonable access to and the right to interview persons with information relevant to the investigation and shall have reasonable access to, for purposes of examination, and the right to