

determination if the finding on which it is based is supported by evidence that the schedule is likely to cause an adverse agency impact.

(3)(A) If an agency and an exclusive representative have entered into a collective bargaining agreement providing for use of a flexible or compressed schedule under this subchapter and the head of the agency determines under subsection (a)(2) to terminate a flexible or compressed schedule, the agency may reopen the agreement to seek termination of the schedule involved.

(B) If the agency and exclusive representative reach an impasse in collective bargaining with respect to terminating such schedule, the impasse shall be presented to the Panel.

(C) The Panel shall promptly consider any case presented under subparagraph (B), and shall rule on such impasse not later than 60 days after the date the Panel is presented the impasse. The Panel shall take final action in favor of the agency's determination to terminate a schedule if the finding on which the determination is based is supported by evidence that the schedule has caused an adverse agency impact.

(D) Any such schedule may not be terminated until—

(i) the agreement covering such schedule is renegotiated or expires or terminates pursuant to the terms of that agreement; or

(ii) the date of the Panel's final decision, if an impasse arose in the reopening of the agreement under subparagraph (A) of this paragraph.

(d) This section shall not apply with respect to flexible schedules that may be established without regard to the authority provided under this subchapter.

(Added Pub. L. 97-221, §2(a)(2), July 23, 1982, 96 Stat. 231.)

§ 6132. Prohibition of coercion

(a) An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with—

(1) such employee's rights under sections 6122 through 6126 of this title to elect a time of arrival or departure, to work or not to work credit hours, or to request or not to request compensatory time off in lieu of payment for overtime hours; or

(2) such employee's right under section 6127(b)(1) of this title to vote whether or not to be included within a compressed schedule program or such employee's right to request an agency determination under section 6127(b)(2) of this title.

(b) For the purpose of subsection (a), the term "intimidate, threaten, or coerce" includes, but is not limited to, promising to confer or conferring any benefit (such as appointment, promotion, or compensation), or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

(Added Pub. L. 97-221, §2(a)(2), July 23, 1982, 96 Stat. 232.)

§ 6133. Regulations; technical assistance; program review

(a) The Office of Personnel Management shall prescribe regulations necessary for the administration of the programs established under this subchapter.

(b)(1) The Office shall provide educational material, and technical aids and assistance, for use by an agency in connection with establishing and maintaining programs under this subchapter.

(2) In order to provide the most effective materials, aids, and assistance under paragraph (1), the Office shall conduct periodic reviews of programs established by agencies under this subchapter particularly insofar as such programs may affect—

(A) the efficiency of Government operations;

(B) mass transit facilities and traffic;

(C) levels of energy consumption;

(D) service to the public;

(E) increased opportunities for full-time and part-time employment; and

(F) employees' job satisfaction and nonwork-life.

(c)(1) With respect to employees in the Library of Congress, the authority granted to the Office of Personnel Management under this subchapter shall be exercised by the Librarian of Congress.

(2) With respect to employees in the Government Publishing Office, the authority granted to the Office of Personnel Management under this subchapter shall be exercised by the Director of the Government Publishing Office.

(3) With respect to employees of the Architect of the Capitol and the Botanic Garden, the authority granted to the Office of Personnel Management under this subchapter shall be exercised by the Architect of the Capitol.

(Added Pub. L. 97-221, §2(a)(2), July 23, 1982, 96 Stat. 233; amended Pub. L. 101-163, title III, §312, Nov. 21, 1989, 103 Stat. 1065; Pub. L. 111-68, div. A, title I, §1302(2), Oct. 1, 2009, 123 Stat. 2034; Pub. L. 113-235, div. H, title I, §1301(b), (d), Dec. 16, 2014, 128 Stat. 2537.)

AMENDMENTS

2009—Subsec. (c)(3). Pub. L. 111-68 added par. (3).

1989—Subsec. (c). Pub. L. 101-163 designated existing provisions as par. (1) and added par. (2).

CHANGE OF NAME

"Government Publishing Office" substituted for "Government Printing Office" in subsec. (c)(2) on authority of section 1301(b) of Pub. L. 113-235, set out as a note preceding section 301 of Title 44, Public Printing and Documents.

"Director of the Government Publishing Office" substituted for "Public Printer" in subsec. (c)(2) on authority of section 1301(d) of Pub. L. 113-235, set out as a note under section 301 of Title 44, Public Printing and Documents.

CHAPTER 63—LEAVE

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- Sec.
- 6306. Annual leave; refund of lump-sum payment; recredit of annual leave.
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- [6309. Repealed.]
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SUBCHAPTER V—FAMILY AND MEDICAL LEAVE

- 6381. Definitions.
- 6382. Leave requirement.
- 6383. Certification.
- 6384. Employment and benefits protection.
- 6385. Prohibition of coercion.
- 6386. Health insurance.
- 6387. Regulations.

SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

- 6391. Authority for leave transfer program in disasters and emergencies.

AMENDMENTS

2016—Pub. L. 114-328, div. A, title XI, §1138(c)(2), (d)(4), (e)(2), Dec. 23, 2016, 130 Stat. 2462, 2469, 2470, which directed amendment of the table of sections for sub-

chapter II of chapter 63 by adding items 6329a to 6329c, was executed to the table of sections for this chapter, to reflect the probable intent of Congress.

2015—Pub. L. 114-75, §2(b), Nov. 5, 2015, 129 Stat. 641, added item 6329.

1999—Pub. L. 106-56, §1(c)(2), Sept. 24, 1999, 113 Stat. 407, added item 6328.

1997—Pub. L. 105-18, title II, §9004(b), June 12, 1997, 111 Stat. 197, added heading of subchapter VI and item 6391.

1994—Pub. L. 103-329, title VI, §629(a)(2)(B), Sept. 30, 1994, 108 Stat. 2423, added item 6327.

1993—Pub. L. 103-103, §5(a)(2), Oct. 8, 1993, 107 Stat. 1023, substituted “Authority to participate in both programs” for “Limitation on employee participation” in item 6373.

Pub. L. 103-3, title II, §201(a)(2), Feb. 5, 1993, 107 Stat. 23, added heading of subchapter V and items 6381 to 6387.

1990—Pub. L. 101-508, title VII, §7202(i)(2), Nov. 5, 1990, 104 Stat. 1388-337, inserted “and nonappropriated fund” after “office” in item 6312.

1988—Pub. L. 100-566, §2(d)(1)(B), Oct. 31, 1988, 102 Stat. 2844, which provided that the table of sections for subchapters III and IV were to be repealed effective 5 years after Oct. 31, 1988, was repealed by Pub. L. 103-103, §2, Oct. 8, 1993, 107 Stat. 1022, effective Oct. 30, 1993.

Pub. L. 100-566, §2(b), Oct. 31, 1988, 102 Stat. 2843, added heading of subchapter III and items 6331 to 6340 and heading of subchapter IV and items 6361 to 6373.

1975—Pub. L. 94-183, §2(27), Dec. 31, 1975, 89 Stat. 1058, struck out item 6309 “Leave of absence; rural carriers”.

1970—Pub. L. 91-563, §1(b), Dec. 19, 1970, 84 Stat. 1476, included witness service and official duty status for certain witness service in item 6322.

1968—Pub. L. 90-588, §1(b), Oct. 17, 1968, 82 Stat. 1151, added item 6326.

Pub. L. 90-367, §2(b), June 29, 1968, 82 Stat. 277, added item 6312.

1967—Pub. L. 90-221, §3(b), Dec. 23, 1967, 81 Stat. 671, added item 6325.

1966—Pub. L. 89-747, §1(3), Nov. 2, 1966, 80 Stat. 1179, inserted reference to leave for crews of vessels in item 6305.

MODERNIZING FEDERAL LEAVE POLICIES FOR CHILDBIRTH, ADOPTION, AND FOSTER CARE TO RECRUIT AND RETAIN TALENT AND IMPROVE PRODUCTIVITY

Memorandum of President of the United States, Jan. 15, 2015, 80 F.R. 3135, provided:

Memorandum for the Heads of Executive Departments and Agencies

Now more than ever, our Nation’s economic success rests on our ability to empower our citizens to choose jobs that best utilize their talents and interests. All employers, including the Federal Government, should support parents to ensure they can both contribute fully in the workplace and also meet the needs of their families. The availability of paid maternity leave, for example, has been shown to increase the likelihood that mothers return to their jobs following the birth of a child, and paid maternity and paternity leave has been shown to improve the health and development outcomes of the infant. In addition, it is critically important for parents and their newborn or newly adopted child to have the opportunity to form strong family attachments and relationships.

Men and women both need time to care for their families and should have access to workplace flexibilities that help them succeed at work and at home. Offering family leave and other workplace flexibilities to parents can help achieve the goals of recruiting and retaining talent, lowering costly worker turnover, increasing employee engagement, boosting employee morale, and ensuring a diverse and inclusive workforce. Yet, the United States lags behind almost every other country in ensuring some form of paid parental leave to its Federal workforce; we are the only developed country in the world without it.

My memorandum of June 23, 2014 (Enhancing Workplace Flexibilities and Work-Life Programs), directs