

with applicable provisions of this subpart, appropriate prevention, treatment, and rehabilitation programs and services for alcohol abuse and alcoholism among employees. Such agencies are encouraged to extend, to the extent feasible, such programs and services to the families of alcoholic employees and to employees who have family members who are alcoholics. Such programs and services shall make optimal use of existing governmental facilities, services, and skills.

(b) Section 523¹ of the Public Health Service Act (42 U.S.C. 290dd-3), relating to confidentiality of records, and any regulations prescribed thereunder, shall apply with respect to records maintained for the purpose of carrying out this section.

(c) Each agency shall, with respect to any programs or services provided by such agency, submit such written reports as the Office may require in connection with any report required under section 7363 of this title.

(d) For the purpose of this section, the term “agency” means an Executive agency.

(Added Pub. L. 99-570, title VI, §6002(a)(1), Oct. 27, 1986, 100 Stat. 3207-157.)

REFERENCES IN TEXT

Section 523 of the Public Health Service Act, referred to in subsec. (b) and formerly classified to section 290dd-3 of Title 42, The Public Health and Welfare, was renumbered section 544 of that Act by Pub. L. 100-77, title VI, §611(2), July 22, 1987, 101 Stat. 516 and then omitted in the general revision of Part D of Subchapter III-A of Chapter 6A of Title 42 by Pub. L. 102-321, title I, §131, July 10, 1992, 106 Stat. 366. Provisions relating to the confidentiality of patient records are now classified to section 290dd-2 of Title 42.

§ 7363. Reports to Congress

(a) The Office of Personnel Management shall, within 6 months after the date of the enactment of the Federal Employee Substance Abuse Education and Treatment Act of 1986 and annually thereafter, submit to each House of Congress a report containing the matters described in subsection (b).

(b) Each report under this section shall include—

(1) a description of any programs or services provided under section 7361 or 7362 of this title, including the costs associated with each such program or service and the source and adequacy of any funding¹ such program or service;

(2) a description of the levels of participation in each program and service provided under section 7361 or 7362 of this title, and the effectiveness of such programs and services;

(3) a description of the training and qualifications required of the personnel providing any program or service under section 7361 or 7362 of this title;

(4) a description of the training given to supervisory personnel in connection with recognizing the symptoms of drug or alcohol abuse and the procedures (including those relating to confidentiality) under which individ-

uals are referred for treatment, rehabilitation, or other assistance;

(5) any recommendations for legislation considered appropriate by the Office and any proposed administrative actions; and

(6) information describing any other related activities under section 7904 of this title, and any other matter which the Office considers appropriate.

(Added Pub. L. 99-570, title VI, §6002(a)(1), Oct. 27, 1986, 100 Stat. 3207-158.)

REFERENCES IN TEXT

The date of the enactment of the Federal Employee Substance Abuse Education and Treatment Act of 1986, referred to in subsec. (a), is the date of enactment of title VI of Pub. L. 99-570 which was approved Oct. 27, 1986.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in this section, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 187 of House Document No. 103-7.

SUBCHAPTER VII—MANDATORY REMOVAL FROM EMPLOYMENT OF CONVICTED LAW ENFORCEMENT OFFICERS

§ 7371. Mandatory removal from employment of law enforcement officers convicted of felonies

(a) In this section, the term—

(1) “conviction notice date” means the date on which an agency that employs a law enforcement officer has notice that the officer has been convicted of a felony that is entered by a Federal or State court, regardless of whether that conviction is appealed or is subject to appeal; and

(2) “law enforcement officer” has the meaning given that term under section 8331(20) or 8401(17).

(b) Any law enforcement officer who is convicted of a felony shall be removed from employment as a law enforcement officer on the last day of the first applicable pay period following the conviction notice date.

(c)(1) This section does not prohibit the removal of an individual from employment as a law enforcement officer before a conviction notice date if the removal is properly effected other than under this section.

(2) This section does not prohibit the employment of any individual in any position other than that of a law enforcement officer.

(d) If the conviction is overturned on appeal, the removal shall be set aside retroactively to the date on which the removal occurred, with back pay under section 5596 for the period during which the removal was in effect, unless the removal was properly effected other than under this section.

(e)(1) If removal is required under this section, the agency shall deliver written notice to the employee as soon as practicable, and not later than 5 calendar days after the conviction notice date. The notice shall include a description of the specific reasons for the removal, the date of removal, and the procedures made applicable under paragraph (2).

¹ See References in Text note below.

¹ So in original. Probably should be followed by “of”.

(2) The procedures under section 7513(b)(2), (3), and (4), (c), (d), and (e) shall apply to any removal under this section. The employee may use the procedures to contest or appeal a removal, but only with respect to whether—

(A) the employee is a law enforcement officer;

(B) the employee was convicted of a felony; or

(C) the conviction was overturned on appeal.

(3) A removal required under this section shall occur on the date specified in subsection (b) regardless of whether the notice required under paragraph (1) of this subsection and the procedures made applicable under paragraph (2) of this subsection have been provided or completed by that date.

(Added Pub. L. 106-554, §1(a)(3) [title VI, §639(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A-168.)

EFFECTIVE DATE

Pub. L. 106-554, §1(a)(3) [title VI, §639(c)], Dec. 21, 2000, 114 Stat. 2763, 2763A-168, provided that: "The amendments made by this section [enacting this subchapter] shall take effect 30 days after the date of enactment of this Act [Dec. 21, 2000] and shall apply to any conviction of a felony entered by a Federal or State court on or after that date."

CHAPTER 75—ADVERSE ACTIONS

SUBCHAPTER I—SUSPENSION OF¹ 14 DAYS OR LESS

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| 7501. | Definitions. |
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SUBCHAPTER II—REMOVAL, SUSPENSION FOR MORE THAN 14 DAYS, REDUCTION IN GRADE OR PAY, OR FURLOUGH FOR 30 DAYS OR LESS

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SUBCHAPTER III—ADMINISTRATIVE LAW JUDGES

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SUBCHAPTER IV—NATIONAL SECURITY

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SUBCHAPTER V—SENIOR EXECUTIVE SERVICE

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AMENDMENTS

1978—Pub. L. 95-454, title II, §204(b), title IV, §411(1), Oct. 13, 1978, 92 Stat. 1137, 1173, substituted "SUSPENSION OF 14 DAYS OR LESS" for "COMPETITIVE SERVICE" in subchapter I heading, substituted "Definitions" for "Cause; procedure; exception" in item 7501, added items 7502 to 7504, substituted "REMOVAL, SUSPENSION FOR MORE THAN 14 DAYS, REDUCTION IN GRADE OR PAY, OR FURLOUGH FOR 30 DAYS OR LESS" for "PREFERENCE ELIGIBLES" in subchapter II heading, inserted "; application" in item 7511, substituted "Actions covered" for "Cause; procedure; exception" in item 7512, added items 7513 and 7514, sub-

stituted "ADMINISTRATIVE LAW JUDGES" for "HEARING EXAMINERS" in subchapter III heading, substituted "Actions against administrative law judges" for "Removal" in item 7521, and added subchapter V heading and items 7541 to 7543.

SUBCHAPTER I—SUSPENSION FOR 14 DAYS OR LESS

AMENDMENTS

1978—Pub. L. 95-454, title II, §204(a), Oct. 13, 1978, 92 Stat. 1134, substituted "SUSPENSION FOR 14 DAYS OR LESS" for "COMPETITIVE SERVICE" in subchapter heading.

§ 7501. Definitions

For the purpose of this subchapter—

(1) "employee" means an individual in the competitive service who is not serving a probationary or trial period under an initial appointment or, except as provided in section 1599e of title 10, who has completed 1 year of current continuous employment in the same or similar positions under other than a temporary appointment limited to 1 year or less; and

(2) "suspension" means the placing of an employee, for disciplinary reasons, in a temporary status without duties and pay.

(Added Pub. L. 95-454, title II, §204(a), Oct. 13, 1978, 92 Stat. 1134; amended Pub. L. 114-92, div. A, title XI, §1105(c)(3), Nov. 25, 2015, 129 Stat. 1024.)

PRIOR PROVISIONS

A prior section 7501, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 527, related to removal or suspension without pay of an individual in the competitive service and procedures applicable to such removal or suspension, prior to repeal by Pub. L. 95-454, §204(a).

AMENDMENTS

2015—Par. (1). Pub. L. 114-92 substituted "or, except as provided in section 1599e of title 10, who" for "or who".

EFFECTIVE DATE

Section effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as an Effective Date of 1978 Amendment note under section 1101 of this title.

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-376, §1, Aug. 17, 1990, 104 Stat. 461, provided that: "This Act [amending sections 4303, 7511, and 7701 of this title and enacting provisions set out as notes under section 4303 of this title] may be cited as the 'Civil Service Due Process Amendments'."

§ 7502. Actions covered

This subchapter applies to a suspension for 14 days or less, but does not apply to a suspension under section 7521 or 7532 of this title or any action initiated under section 1215 of this title.

(Added Pub. L. 95-454, title II, §204(a), Oct. 13, 1978, 92 Stat. 1135; amended Pub. L. 101-12, §9(a)(2), Apr. 10, 1989, 103 Stat. 35.)

AMENDMENTS

1989—Pub. L. 101-12 substituted "1215" for "1206".

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-12 effective 90 days following Apr. 10, 1989, see section 11 of Pub. L. 101-12, set out as a note under section 1201 of this title.

¹ So in original. Does not conform to subchapter heading.