

counseling by the Office. The Office shall provide the employee with all relevant information with respect to the rights of the employee. A request for counseling shall be made not later than 180 days after the date of the alleged violation.

(b) Period of counseling

The period for counseling shall be 30 days unless the employee and the Office agree to reduce the period. The period shall begin on the date the request for counseling is received.

(c) Notification of end of counseling period

The Office shall notify the employee in writing when the counseling period has ended.

(Pub. L. 104-1, title IV, §402, Jan. 23, 1995, 109 Stat. 32.)

REFERENCES IN TEXT

Part A of subchapter II, referred to in subsec. (a), was in the original “part A of title II”, meaning part A (§§201-207) of title II of Pub. L. 104-1, Jan. 23, 1995, 109 Stat. 7, which is classified principally to part A of subchapter II of this chapter. For complete classification of part A to the Code, see Tables.

§ 1403. Mediation

(a) Initiation

Not later than 15 days after receipt by the employee of notice of the end of the counseling period under section 1402 of this title, but prior to and as a condition of making an election under section 1404 of this title, the covered employee who alleged a violation of a law shall file a request for mediation with the Office.

(b) Process

Mediation under this section—

(1) may include the Office, the covered employee, the employing office, and one or more individuals appointed by the Executive Director from the master list developed and maintained under subsection (e), and

(2) shall involve meetings with the parties separately or jointly for the purpose of resolving the dispute between the covered employee and the employing office.

(c) Mediation period

The mediation period shall be 30 days beginning on the date the request for mediation is received. The mediation period may be extended for additional periods at the joint request of the covered employee and the employing office. The Office shall notify in writing the covered employee and the employing office when the mediation period has ended.

(d) Independence of mediation process

No individual, who is appointed by the Executive Director to mediate, may conduct or aid in a hearing conducted under section 1405 of this title with respect to the same matter or shall be subject to subpoena or any other compulsory process with respect to the same matter.

(e) Master list of mediators

(1) Development and maintenance of master list

The Executive Director shall develop and maintain a master list of individuals who are

experienced in adjudicating, arbitrating, or mediating the kinds of personnel and other matters for which mediation may be held under this section. Such list may include, but not be limited to, members of the bar of a State or the District of Columbia and retired judges of the United States courts.

(2) Consideration of candidates

In developing the master list under this subsection, the Executive Director shall consider candidates recommended by the Federal Mediation and Conciliation Service or the Administrative Conference of the United States.

(Pub. L. 104-1, title IV, §403, Jan. 23, 1995, 109 Stat. 32; Pub. L. 114-6, §2(a), Mar. 20, 2015, 129 Stat. 81.)

AMENDMENTS

2015—Subsec. (b)(1). Pub. L. 114-6, §2(a)(1), substituted “from the master list developed and maintained under subsection (e)” for “after considering recommendations by organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters”.

Subsec. (e). Pub. L. 114-6, §2(a)(2), added subsec. (e).

EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114-6, §2(d), Mar. 20, 2015, 129 Stat. 82, provided that: “The amendments made by this section [amending this section and sections 1404 and 1416 of this title] shall apply with respect to mediations and other proceedings which are first initiated after the date of the enactment of this Act [Mar. 20, 2015].”

§ 1404. Election of proceeding

Not later than 90 days, but not sooner than 30 days, after the end of the period of mediation, a covered employee may either—

(1) file a complaint with the Office in accordance with section 1405 of this title, or

(2) file a civil action in accordance with section 1408 of this title in the United States district court for the district in which the employee is employed or for the District of Columbia.

(Pub. L. 104-1, title IV, §404, Jan. 23, 1995, 109 Stat. 33; Pub. L. 114-6, §2(b), Mar. 20, 2015, 129 Stat. 81.)

AMENDMENTS

2015—Pub. L. 114-6 substituted “Not later than 90 days, but not sooner than 30 days, after the end of the period of mediation, a covered employee” for “Not later than 90 days after a covered employee receives notice of the end of the period of mediation, but no sooner than 30 days after receipt of such notification, such covered employee” in introductory provisions.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-6 applicable with respect to mediations and other proceedings first initiated after Mar. 20, 2015, see section 2(d) of Pub. L. 114-6, set out as a note under section 1403 of this title.

§ 1405. Complaint and hearing

(a) In general

A covered employee may, upon the completion of mediation under section 1403 of this title, file a complaint with the Office. The respondent to the complaint shall be the employing office—

(1) involved in the violation, or