

certification provided under subsection (a) for leave under subparagraph (C) or (D) of section 6382(a)(1), the employing agency may require, at the expense of the agency, that the employee obtain the opinion of a second health care provider designated or approved by the employing agency concerning any information certified under subsection (b) for such leave.

(2) Any health care provider designated or approved under paragraph (1) shall not be employed on a regular basis by the employing agency.

(d)(1) In any case in which the second opinion described in subsection (c) differs from the original certification provided under subsection (a), the employing agency may require, at the expense of the agency, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employing agency and the employee concerning the information certified under subsection (b).

(2) The opinion of the third health care provider concerning the information certified under subsection (b) shall be considered to be final and shall be binding on the employing agency and the employee.

(e) The employing agency may require, at the expense of the agency, that the employee obtain subsequent recertifications on a reasonable basis.

(f) An employing agency may require that a request for leave under paragraph (1)(E) or (3) of section 6382(a) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.

(Added Pub. L. 103-3, title II, §201(a)(1), Feb. 5, 1993, 107 Stat. 21; amended Pub. L. 110-181, div. A, title V, §585(b)(3)(D), Jan. 28, 2008, 122 Stat. 132; Pub. L. 111-84, div. A, title V, §565(b)(1)(C), Oct. 28, 2009, 123 Stat. 2311.)

#### AMENDMENTS

2009—Subsec. (f). Pub. L. 111-84 substituted “paragraph (1)(E) or (3) of section 6382(a)” for “section 6382(a)(3)”.

2008—Subsec. (f). Pub. L. 110-181 added subsec. (f).

#### EFFECTIVE DATE

Section effective 6 months after Feb. 5, 1993, see section 405(b)(1) of Pub. L. 103-3, set out as a note under section 2601 of Title 29, Labor.

### § 6384. Employment and benefits protection

(a) Any employee who takes leave under section 6382 for the intended purpose of the leave shall be entitled, upon return from such leave—

(1) to be restored by the employing agency to the position held by the employee when the leave commenced; or

(2) to be restored to an equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment.

(b) The taking of leave under section 6382 shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

(c) Except as otherwise provided by or under law, nothing in this section shall be construed to entitle any restored employee to—

(1) the accrual of any employment benefits during any period of leave; or

(2) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

(d) As a condition to restoration under subsection (a) for an employee who takes leave under section 6382(a)(1)(D), the employing agency may have a uniformly applied practice or policy that requires each such employee to receive certification from the health care provider of the employee that the employee is able to resume work.

(e) Nothing in this section shall be construed to prohibit an employing agency from requiring an employee on leave under section 6382 to report periodically to the employing agency on the status and intention of the employee to return to work.

(Added Pub. L. 103-3, title II, §201(a)(1), Feb. 5, 1993, 107 Stat. 22.)

#### EFFECTIVE DATE

Section effective 6 months after Feb. 5, 1993, see section 405(b)(1) of Pub. L. 103-3, set out as a note under section 2601 of Title 29, Labor.

### § 6385. Prohibition of coercion

(a) An employee shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with the exercise of any rights which such other employee may have under this subchapter.

(b) For the purpose of this section—

(1) the term “intimidate, threaten, or coerce” includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation), or taking or threatening to take any reprisal (such as deprivation of appointment, promotion, or compensation); and

(2) the term “employee” means any “employee”, as defined by section 2105.

(Added Pub. L. 103-3, title II, §201(a)(1), Feb. 5, 1993, 107 Stat. 22.)

#### EFFECTIVE DATE

Section effective 6 months after Feb. 5, 1993, see section 405(b)(1) of Pub. L. 103-3, set out as a note under section 2601 of Title 29, Labor.

### § 6386. Health insurance

An employee enrolled in a health benefits plan under chapter 89 who is placed in a leave status under section 6382 may elect to continue the health benefits enrollment of the employee while in such leave status and arrange to pay currently into the Employees Health Benefits Fund (described in section 8909), the appropriate employee contributions.

(Added Pub. L. 103-3, title II, §201(a)(1), Feb. 5, 1993, 107 Stat. 23.)

#### EFFECTIVE DATE

Section effective 6 months after Feb. 5, 1993, see section 405(b)(1) of Pub. L. 103-3, set out as a note under section 2601 of Title 29, Labor.

### § 6387. Regulations

The Office of Personnel Management shall prescribe regulations necessary for the administra-