

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

SUBCHAPTER I—ANNUAL AND SICK LEAVE

- Sec. 6301. Definitions.
- 6302. General provisions.
- 6303. Annual leave; accrual.
- 6304. Annual leave; accumulation.
- 6305. Home leave; leave for Chiefs of Missions; leave for crews of vessels.
- 6306. Annual leave; refund of lump-sum payment; recredit of annual leave.
- 6307. Sick leave; accrual and accumulation.
- 6308. Transfers between positions under different leave systems.
- [6309. Repealed.]
- 6310. Leave of absence; aliens.
- 6311. Regulations.
- 6312. Accrual and accumulation for former ASCS county office and nonappropriated fund employees.

SUBCHAPTER II—OTHER PAID LEAVE

- 6321. Absence of veterans to attend funeral services.
- 6322. Leave for jury or witness service; official duty status for certain witness service.
- 6323. Military leave; Reserves and National Guardsmen.
- 6324. Absence of certain police and firemen.
- 6325. Absence resulting from hostile action abroad.
- 6326. Absence in connection with funerals of immediate relatives in the Armed Forces.
- 6327. Absence in connection with serving as a bone-marrow or organ donor.
- 6328. Absence in connection with funerals of fellow Federal law enforcement officers.
- 6329. Disabled veteran leave.
- 6329a. Administrative leave.
- 6329b. Investigative leave and notice leave.
- 6329c. Weather and safety leave.

SUBCHAPTER III—VOLUNTARY TRANSFERS OF LEAVE

- 6331. Definitions.
- 6332. General authority.
- 6333. Receipt and use of transferred leave.
- 6334. Donations of leave.
- 6335. Termination of medical emergency.
- 6336. Restoration of transferred leave.
- 6337. Accrual of leave.
- 6338. Prohibition of coercion.
- 6339. Additional leave transfer programs.
- 6340. Inapplicability of certain provisions.

SUBCHAPTER IV—VOLUNTARY LEAVE BANK PROGRAM

- 6361. Definitions.
- 6362. General authority.
- 6363. Establishment of leave banks.
- 6364. Establishment of Leave Bank Boards.
- 6365. Contributions of annual leave.
- 6366. Eligibility for leave recipients.
- 6367. Receipt and use of leave from a leave bank.
- 6368. Termination of medical emergency.
- 6369. Restoration of transferred leave.
- 6370. Prohibition of coercion.
- 6371. Accrual of leave.
- 6372. Additional leave bank programs.
- 6373. Authority to participate in both programs.

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.

Sec.

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 subchapter 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 the heads of executive departments and agencies (agencies) to more fully utilize workplace flexibilities and work-life programs to promote recruitment, retention, employee engagement, and workforce productivity. My Administration fully supports efforts to align the Federal Government with the parental leave policies of leading private sector companies and other industrialized countries, and will continue to take administrative steps to modernize leave policies to better support Federal employees.

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to further build on these important goals and the work currently underway by the Office of Personnel Management (OPM) and other agencies to review existing personnel policies, I hereby direct as follows:

SECTION 1. *Advanced Sick and Annual Leave.* (a) Agencies shall ensure that, to the extent permitted by law, their policies offer 240 hours of advanced sick leave, at the request of an employee and in appropriate circumstances, in connection with the birth or adoption of a child or for other sick leave eligible uses. This benefit shall be provided for purposes specified in law and regulation irrespective of existing leave balances. Within 60 days of OPM issuing its guidance pursuant to section 3 of this memorandum, agencies shall make any necessary changes to their policies to implement this section.

(b) Agencies shall ensure that their policies offer the maximum amount of advanced annual leave permitted by law, at the request of an employee, for foster care placement in their home or bonding with a healthy newborn or newly adopted child. This benefit shall be provided for purposes specified in law and regulation irrespective of existing leave balances. Within 60 days of OPM issuing its guidance pursuant to section 3 of this memorandum, agencies shall make any necessary changes to their policies to implement this section.

SEC. 2. *Emergency Backup Dependent Care.* Agencies shall consider, consistent with existing resources, providing access to affordable emergency backup dependent care services such as through an Employee Assistance Program.

SEC. 3. *Update Leave Policies.* (a) In coordination with the agency review and related OPM summary report of workplace flexibilities and work-life policies required by sections 4 and 5 of my memorandum of June 23, 2014, agencies shall make necessary changes to their policies and practices to ensure that employees experiencing the birth or adoption of a child, foster care placement in their home, or who have other circumstances eligible for sick or annual leave are aware of the full range of benefits to which they are entitled. These changes shall also ensure that discretionary flexibilities are used to the maximum extent practicable, in accordance with the laws and regulations governing these programs and consistent with mission needs, and that employees understand the benefits for which they may qualify. Any necessary changes to agency policies required by this section shall be made as soon as possible, and no later than January 1, 2016.

(b) For purposes of the changes required by subsection (a) of this section, agencies shall review policies with respect to the following required benefits:

(i) use of accrued sick leave (including period of incapacitation for birth mother, care of birth mother during period of incapacitation, doctor appointments for birth parents or newborn child, or any periods of time