

Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

EFFECTIVE DATE

Pub. L. 116-92, div. A, title XI, subtitle B, §1122(b)(2), Dec. 20, 2019, 133 Stat. 1608, provided that: “Section 9202 of title 5, United States Code (as added by this subtitle), shall take effect on the date that is 2 years after the date of enactment of this subtitle [Dec. 20, 2019].”

§ 9203. Agency policies; complaint procedures

The Director of the Office of Personnel Management shall—

(1) develop, implement, and publish a policy to assist employees of agencies in complying with section 9202 and the regulations issued pursuant to such section; and

(2) establish and publish procedures under which an applicant for an appointment to a position in the civil service may submit a complaint, or any other information, relating to compliance by an employee of an agency with section 9202.

(Added Pub. L. 116-92, div. A, title XI, §1122(a), Dec. 20, 2019, 133 Stat. 1606.)

§ 9204. Adverse action

(a) **FIRST VIOLATION.**—If the Director of the Office of Personnel Management determines, after notice and an opportunity for a hearing on the record, that an employee of an agency has violated section 9202, the Director shall—

(1) issue to the employee a written warning that includes a description of the violation and the additional penalties that may apply for subsequent violations; and

(2) file such warning in the employee’s official personnel record file.

(b) **SUBSEQUENT VIOLATIONS.**—If the Director of the Office of Personnel Management determines, after notice and an opportunity for a hearing on the record, that an employee that was subject to subsection (a) has committed a subsequent violation of section 9202, the Director may take the following action:

(1) For a second violation, suspension of the employee for a period of not more than 7 days.

(2) For a third violation, suspension of the employee for a period of more than 7 days.

(3) For a fourth violation—

(A) suspension of the employee for a period of more than 7 days; and

(B) a civil penalty against the employee in an amount that is not more than \$250.

(4) For a fifth violation—

(A) suspension of the employee for a period of more than 7 days; and

(B) a civil penalty against the employee in an amount that is not more than \$500.

(5) For any subsequent violation—

(A) suspension of the employee for a period of more than 7 days; and

(B) a civil penalty against the employee in an amount that is not more than \$1,000.

(Added Pub. L. 116-92, div. A, title XI, §1122(a), Dec. 20, 2019, 133 Stat. 1606.)

§ 9205. Procedures

(a) **APPEALS.**—The Director of the Office of Personnel Management shall by rule establish

procedures providing for an appeal from any adverse action taken under section 9204 by not later than 30 days after the date of the action.

(b) **APPLICABILITY OF OTHER LAWS.**—An adverse action taken under section 9204 (including a determination in an appeal from such an action under subsection (a) of this section) shall not be subject to—

(1) the procedures under chapter 75; or

(2) except as provided in subsection (a) of this section, appeal or judicial review.

(Added Pub. L. 116-92, div. A, title XI, §1122(a), Dec. 20, 2019, 133 Stat. 1607.)

§ 9206. Rules of construction

Nothing in this chapter may be construed to—

(1) authorize any officer or employee of an agency to request the disclosure of information described under subparagraphs (B) and (C) of section 9201(4); or

(2) create a private right of action for any person.

(Added Pub. L. 116-92, div. A, title XI, §1122(a), Dec. 20, 2019, 133 Stat. 1607.)

Subpart I—Miscellaneous

CHAPTER 95—PERSONNEL FLEXIBILITIES RELATING TO THE INTERNAL REVENUE SERVICE

Sec.	
9501.	Internal Revenue Service personnel flexibilities.
9502.	Pay authority for critical positions.
9503.	Streamlined critical pay authority.
9504.	Recruitment, retention, relocation incentives, and relocation expenses.
9505.	Performance awards for senior executives.
9506.	Limited appointments to career reserved Senior Executive Service positions.
9507.	Streamlined demonstration project authority.
9508.	General workforce performance management system.
9509.	General workforce classification and pay.
9510.	General workforce staffing.

§ 9501. Internal Revenue Service personnel flexibilities

(a) Any flexibilities provided by sections 9502 through 9510 of this chapter shall be exercised in a manner consistent with—

(1) chapter 23 (relating to merit system principles and prohibited personnel practices);

(2) provisions relating to preference eligibles;

(3) except as otherwise specifically provided, section 5307 (relating to the aggregate limitation on pay);

(4) except as otherwise specifically provided, chapter 71 (relating to labor-management relations); and

(5) subject to subsections (b) and (c) of section 1104, as though such authorities were delegated to the Secretary of the Treasury under section 1104(a)(2).

(b) The Secretary of the Treasury shall provide the Office of Personnel Management with any information that Office requires in carrying out its responsibilities under this section.