

Editorial Notes

AMENDMENTS

2011—Subsec. (a)(3). Pub. L. 112-10 struck out “and the employer does not offer a free choice voucher” after “Exchange”.

2010—Subsec. (a)(3). Pub. L. 111-148, § 10108(i)(2), inserted “and the employer does not offer a free choice voucher” after “Exchange” and substituted “may lose” for “will lose”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 112-10 effective as if included in the provisions of, and the amendments made by, the provisions of Pub. L. 111-148 to which it relates, see section 1858(d) of Pub. L. 112-10, set out as a note under section 36B of Title 26, Internal Revenue Code.

§ 218c. Protections for employees**(a) Prohibition**

No employer shall discharge or in any manner discriminate against any employee with respect to his or her compensation, terms, conditions, or other privileges of employment because the employee (or an individual acting at the request of the employee) has—

(1) received a credit under section 36B of title 26 or a subsidy under section 18071 of title 42;¹

(2) provided, caused to be provided, or is about to provide or cause to be provided to the employer, the Federal Government, or the attorney general of a State information relating to any violation of, or any act or omission the employee reasonably believes to be a violation of, any provision of this title¹ (or an amendment made by this title);¹

(3) testified or is about to testify in a proceeding concerning such violation;

(4) assisted or participated, or is about to assist or participate, in such a proceeding; or

(5) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of any provision of this title¹ (or amendment), or any order, rule, regulation, standard, or ban under this title¹ (or amendment).

(b) Complaint procedure**(1) In general**

An employee who believes that he or she has been discharged or otherwise discriminated against by any employer in violation of this section may seek relief in accordance with the procedures, notifications, burdens of proof, remedies, and statutes of limitation set forth in section 2087(b) of title 15.

(2) No limitation on rights

Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

(June 25, 1938, ch. 676, § 18C, as added Pub. L. 111-148, title I, § 1558, Mar. 23, 2010, 124 Stat. 261.)

¹ See References in Text note below.

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REFERENCES IN TEXT

Section 18071 of title 42, referred to in subsec. (a)(1), was in the original “section 1402 of this Act”, and was translated as meaning section 1402 of the Patient Protection and Affordable Care Act, which is classified to section 18071 of title 42, to reflect the probable intent of Congress.

This title, referred to in subsec. (a)(2), (5), probably means title I of Pub. L. 111-148, Mar. 23, 2011, 124 Stat. 130. For complete classification of title I to the Code, see Tables.

Section 2087(b) of title 15, referred to in subsec. (b)(1), was in the original “section 2807(b) of title 15”, and probably should have read “section 40(b) of the Consumer Product Safety Act”, which is classified to section 2087(b) of Title 15, Commerce and Trade.

§ 219. Separability

If any provision of this chapter or the application of such provision to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

(June 25, 1938, ch. 676, § 19, 52 Stat. 1069.)

CHAPTER 9—PORTAL-TO-PORTAL PAY

Sec.	
251.	Congressional findings and declaration of policy.
252.	Relief from certain existing claims under the Fair Labor Standards Act of 1938, as amended, the Walsh-Healey Act, and the Bacon-Davis Act.
253.	Compromise and waiver.
254.	Relief from liability and punishment under the Fair Labor Standards Act of 1938, the Walsh-Healey Act, and the Bacon-Davis Act for failure to pay minimum wage or overtime compensation.
255.	Statute of limitations.
256.	Determination of commencement of future actions.
257.	Pending collective and representative actions.
258.	Reliance on past administrative rulings, etc.
259.	Reliance in future on administrative rulings, etc.
260.	Liquidated damages.
261.	Applicability of “area of production” regulations.
262.	Definitions.

§ 251. Congressional findings and declaration of policy

(a) The Congress finds that the Fair Labor Standards Act of 1938, as amended [29 U.S.C. 201 et seq.], has been interpreted judicially in disregard of long-established customs, practices, and contracts between employers and employees, thereby creating wholly unexpected liabilities, immense in amount and retroactive in operation, upon employers with the results that, if said Act as so interpreted or claims arising under such interpretations were permitted to stand, (1) the payment of such liabilities would bring about financial ruin of many employers and seriously impair the capital resources of many others, thereby resulting in the reduction of industrial operations, halting of expansion and development, curtailing employment, and the earning power of employees; (2) the credit of