

(13) “Panel” means the Foreign Service Impasse Disputes Panel, established by section 4110(a) of this title; and

(14) “person” means an individual, a labor organization, or an agency to which this subchapter applies.

(Pub. L. 96-465, title I, §1002, Oct. 17, 1980, 94 Stat. 2129; Pub. L. 103-236, title I, §180(a)(9), Apr. 30, 1994, 108 Stat. 416.)

Editorial Notes

AMENDMENTS

1994—Par. (8)(A). Pub. L. 103-236 inserted “a member of the Service who is a United States citizen (other than a family member) employed under section 3951 of this title.”.

§ 4103. Application

(a) Departments and agencies affected

This subchapter applies only with respect to the Department of State, the Broadcasting Board of Governors, the Agency for International Development, the Department of Agriculture, and the Department of Commerce.

(b) Exclusion of subdivisions

The President may by Executive order exclude any subdivision of the Department from coverage under this subchapter if the President determines that—

(1) the subdivision has as a primary function intelligence, counterintelligence, investigative, or national security work, and

(2) the provisions of this subchapter cannot be applied to that subdivision in a manner consistent with national security requirements and considerations.

(c) Suspension of provisions

The President may by Executive order suspend any provision of this subchapter with respect to any post, bureau, office, or activity of the Department, if the President determines in writing that the suspension is necessary in the interest of national security because of an emergency.

(Pub. L. 96-465, title I, §1003, Oct. 17, 1980, 94 Stat. 2130; Pub. L. 97-241, title III, §303(b), Aug. 24, 1982, 96 Stat. 291; Pub. L. 105-277, div. G, subdiv. A, title XIII, §1335(k)(3), title XIV, §1422(b)(4)(C), Oct. 21, 1998, 112 Stat. 2681-789, 2681-793.)

Editorial Notes

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-277, §1422(b)(4)(C), substituted “Agency for International Development” for “United States International Development Cooperation Agency”.

Pub. L. 105-277, §1335(k)(3), substituted “Broadcasting Board of Governors” for “United States Information Agency”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Broadcasting Board of Governors renamed United States Agency for Global Media pursuant to section 6204(a)(22) of this title. The renaming was effectuated by notice to congressional appropriations committees dated May 24, 2018, and became effective Aug. 22, 2018.

“United States Information Agency” substituted for “International Communication Agency” in subsec. (a), pursuant to section 303(b) of Pub. L. 97-241, set out as a note under section 1461 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 1335(k)(3) of Pub. L. 105-277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105-277, set out as an Effective Date note under section 6531 of this title.

Amendment by section 1422(b)(4)(C) of Pub. L. 105-277 effective Apr. 1, 1999, see section 1401 of Pub. L. 105-277, set out as an Effective Date note under section 6561 of this title.

§ 4104. Employee rights

(a) Every employee has the right to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal. Each employee shall be protected in the exercise of such right.

(b) Except as otherwise provided under this subchapter, such right includes the right—

(1) to act for a labor organization in the capacity of a representative and, in that capacity, to present the views of the labor organization to the Secretary and other officials of the Government, including the Congress, or other appropriate authorities; and

(2) to engage in collective bargaining with respect to conditions of employment through representatives chosen by employees under this subchapter.

(Pub. L. 96-465, title I, §1004, Oct. 17, 1980, 94 Stat. 2130.)

§ 4105. Management rights

(a) Subject to subsection (b), nothing in this subchapter shall affect the authority of any management official of the Department, in accordance with applicable law—

(1) to determine the mission, budget, organization, and internal security practices of the Department, and the number of individuals in the Service or in the Department;

(2) to hire, assign, direct, lay off, and retain individuals in the Service or in the Department, to suspend, remove, or take other disciplinary action against such individuals, and to determine the number of members of the Service to be promoted and to remove the name of or delay the promotion of any member in accordance with regulations prescribed under section 4005(b) of this title;

(3) to conduct reductions in force, and to prescribe regulations for the separation of employees pursuant to such reductions in force conducted under section 4010a of this title;

(4) to assign work, to make determinations with respect to contracting out, and to determine the personnel by which the operations of the Department shall be conducted;

(5) to fill positions from any appropriate source;

(6) to determine the need for uniform personnel policies and procedures between or among the agencies to which this subchapter applies; and

(7) to take whatever actions may be necessary to carry out the mission of the Department during emergencies.

(b) Nothing in this section shall preclude the Department and the exclusive representative from negotiating—

(1) at the election of the Department, on the numbers, types, and classes of employees or positions assigned to any organizational subdivision, work project, or tour of duty, or on the technology, methods, and means of performing work;

(2) procedures which management officials of the Department will observe in exercising any function under this section; or

(3) appropriate arrangements for employees adversely affected by the exercise of any function under this section by such management officials.

(Pub. L. 96-465, title I, §1005, Oct. 17, 1980, 94 Stat. 2131; Pub. L. 103-236, title I, §181(b), Apr. 30, 1994, 108 Stat. 417; Pub. L. 103-415, §1(jj)(2), Oct. 25, 1994, 108 Stat. 4303.)

Editorial Notes

AMENDMENTS

1994—Subsec. (a)(3) to (7). Pub. L. 103-236, as amended by Pub. L. 103-415, added par. (3) and redesignated former pars. (3) to (6) as (4) to (7), respectively.

§ 4106. Foreign Service Labor Relations Board

(a) Establishment; composition

There is established within the Federal Labor Relations Authority the Foreign Service Labor Relations Board. The Board shall be composed of 3 members, 1 of whom shall be the Chairman of the Authority, who shall be the Chairperson of the Board. The remaining 2 members shall be appointed by the Chairperson of the Board from nominees approved in writing by the agencies to which this subchapter applies, and the exclusive representative (if any) of employees in each such agency. In the event of inability to obtain agreement on a nominee, the Chairperson shall appoint the remaining 2 members from among individuals the Chairperson considers knowledgeable in labor-management relations and the conduct of foreign affairs.

(b) Chairperson serving concurrently as Chairman of Authority; length of terms; designation of alternate Chairperson

The Chairperson shall serve on the Board while serving as Chairman of the Authority. Of the 2 original members of the Board other than the Chairperson, one shall be appointed for a 2-year term and one shall be appointed for a 3-year term. Thereafter, each member of the Board other than the Chairperson shall be appointed for a term of 3 years, except that an individual appointed to fill a vacancy occurring before the end of a term shall be appointed for the unexpired term of the member replaced. The Chairperson may at any time designate an alternate Chairperson from among the members of the Authority.

(c) Vacancies

A vacancy on the Board shall not impair the right of the remaining members to exercise the full powers of the Board.

(d) Holding other Government offices or positions; compensation

The members of the Board, other than the Chairperson, may not hold another office or position in the Government except as authorized by law, and shall receive compensation at the daily equivalent of the rate payable for level V of the Executive Schedule under section 5316 of title 5 for each day they are performing their duties (including traveltime).

(e) Removal of members

The Chairperson may remove any other Board member, upon written notice, for corruption, neglect of duty, malfeasance, or demonstrated incapacity to perform his or her functions, established at a hearing, except where the right to a hearing is waived in writing.

(Pub. L. 96-465, title I, §1006, Oct. 17, 1980, 94 Stat. 2131.)

§ 4107. Functions of Foreign Service Labor Relations Board

(a) General provisions

The Board shall—

(1) supervise or conduct elections and determine whether a labor organization has been selected as the exclusive representative by a majority of employees who cast valid ballots and otherwise administer the provisions of this subchapter relating to the according of exclusive recognition to a labor organization;

(2) resolve complaints of alleged unfair labor practices;

(3) resolve issues relating to the obligation to bargain in good faith;

(4) resolve disputes concerning the effect, the interpretation, or a claim of breach of a collective bargaining agreement, in accordance with section 4114 of this title; and

(5) take any action considered necessary to administer effectively the provisions of this subchapter.

(b) Consistency or precedence of decisions under other provisions of law

Decisions of the Board under this subchapter shall be consistent with decisions rendered by the Authority under chapter 71 of title 5, other than in cases in which the Board finds that special circumstances require otherwise. Decisions of the Board under this subchapter shall not be construed as precedent by the Authority, or any court or other authority, for any decision under chapter 71 of title 5.

(c) Implementation

In order to carry out its functions under this subchapter—

(1) the Board shall by regulation adopt procedures to apply in the administration of this subchapter; and

(2) the Board may—

(A) adopt other regulations concerning its functions under this subchapter;

(B) conduct appropriate inquiries wherever persons subject to this subchapter are located;

(C) hold hearings;

(D) administer oaths, take the testimony or deposition of any individual under oath, and issue subpoenas;