

to any matter under this section), shall apply with respect to violations occurring on or after the effective date of this chapter.

(f) EFFECTIVE DATE.—This section shall take effect on October 1, 1997.

(Added Pub. L. 104-331, §2(a), Oct. 26, 1996, 110 Stat. 4055.)

Editorial Notes

REFERENCES IN TEXT

Sections 703, 706, and 717 of the Civil Rights Act of 1964, referred to in subsecs. (a)(1), (b)(1)(A), and (d)(2)(B), are classified to sections 2000e-2, 2000e-5, and 2000e-16, respectively, of Title 42, The Public Health and Welfare.

Sections 7 and 15 of the Age Discrimination in Employment Act of 1967, referred to in subsecs. (a)(1) and (b)(2), are classified to sections 626 and 633a, respectively, of Title 29, Labor.

Sections 501 and 505 of the Rehabilitation Act of 1973, referred to in subsecs. (a)(3), (b)(3)(A), and (d)(2)(B), are classified to sections 791 and 794a, respectively, of Title 29.

Sections 102 to 104 and 107 of the Americans with Disabilities Act of 1990, referred to in subsecs. (a)(3) and (b)(3)(A), are classified to sections 12112 to 12114 and 12117, respectively, of Title 42, The Public Health and Welfare.

Sections 1977 and 1977A of the Revised Statutes, referred to in subsec. (b)(1)(B), (3)(B), are classified to sections 1981 and 1981a, respectively, of Title 42.

Section 3(2) of the Federal Advisory Committee Act, referred to in subsec. (c)(1)(B), is section 3(2) of Pub. L. 92-463, which is set out in the Appendix to Title 5, Government Organization and Employees.

The effective date of this chapter, referred to in subsec. (e), is Oct. 1, 1997, unless otherwise provided, see section 471 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Subsec. (d) of this section effective Oct. 26, 1996, see section 471(b) of this title.

REGULATIONS

For provisions requiring that appropriate measures be taken to ensure that any regulations required to implement this section be in effect by Oct. 1, 1997, see section 2(b)(1) of Pub. L. 104-331, set out as a note under section 401 of this title.

§ 412. Rights and protections under the Family and Medical Leave Act of 1993

(a) FAMILY AND MEDICAL LEAVE RIGHTS AND PROTECTIONS PROVIDED.—

(1) IN GENERAL.—The rights and protections established by sections 101 through 105 of the Family and Medical Leave Act of 1993 shall apply to covered employees.

(2) DEFINITIONS.—For purposes of the application described in paragraph (1)—

(A) the term “employer” as used in the Family and Medical Leave Act of 1993 means any employing office; and

(B) the term “eligible employee” as used in the Family and Medical Leave Act of 1993 means a covered employee who has been employed in any employing office for 12 months and for at least 1,250 hours of employment during the previous 12 months.

(3) EXCEPTION.—Notwithstanding section 401(b)(2), the requirements of paragraph (2)(B)

shall not apply with respect to leave under subparagraph (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)).

(b) REMEDY.—The remedy for a violation of subsection (a) shall be such remedy, including liquidated damages, as would be appropriate if awarded under paragraph (1) of section 107(a) of the Family and Medical Leave Act of 1993.

(c) SPECIAL RULES FOR SUBSTITUTION OF PAID LEAVE.—

(1) SUBSTITUTION OF PAID LEAVE.—A covered employee may elect to substitute for any leave without pay under subparagraph (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) any paid leave which is available to such employee for that purpose.

(2) AVAILABLE LEAVE.—The paid leave that is available to a covered employee for purposes of paragraph (1) is leave of the type and in the amount available to an employee under section 6382(d)(2)(B) of title 5, United States Code, for substitution for leave without pay under subparagraph (A) or (B) of section 6382(a)(1) of such title.

(3) CONSISTENCY WITH TITLE 5.—Paid leave shall be substituted under this subsection in a manner that is consistent with the requirements in section 6382(d)(2) of title 5, United States Code, except that a reference in that section to an employing agency shall be considered to be a reference to an employing office, and subparagraph (E) of that section shall not apply.

(d) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The President, or the designee of the President, shall issue regulations to implement this section.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b)—

(A) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section;

(B) except that the President or designee may, at the discretion of the President or designee, issue regulations to implement a provision of subchapter V of chapter 63 of title 5, United States Code, that applies to employees in the executive branch of the Federal Government in lieu of an analogous statutory provision referred to in subsection (a) or (b), if the issuance of such regulations—

(i) would be equally effective for the implementation of the rights and protections under this section; and

(ii) would promote uniformity in the application of Federal law to employees in the executive branch of the Federal Government; and

(C) except that the President or designee shall issue regulations to implement sub-

section (c) in accordance with the requirements of that subsection.

(e) **EFFECTIVE DATE.**—Subsections (a) and (b) shall take effect on the earlier of—

- (1) the effective date of regulations issued under subsection (c) (as in effect on the date of enactment of the Presidential and Executive Office Accountability Act); or
- (2) October 1, 1998.

(Added Pub. L. 104-331, §2(a), Oct. 26, 1996, 110 Stat. 4057; amended Pub. L. 116-283, div. A, title XI, §1103(e)(1), Jan. 1, 2021, 134 Stat. 3888.)

Editorial Notes

REFERENCES IN TEXT

The Family and Medical Leave Act of 1993, referred to in subsec. (a)(2), is Pub. L. 103-3, Feb. 5, 1993, 107 Stat. 6, which enacted sections 60m and 60n of Title 2, The Congress, sections 6381 to 6387 of Title 5, Government Organization and Employees, and chapter 28 (§2601 et seq.) of Title 29, Labor, amended section 2105 of Title 5, and enacted provisions set out as notes under section 2601 of Title 29. Sections 101 to 105 and 107 of the Act are classified to sections 2611 to 2615 and 2617, respectively, of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 29 and Tables.

The date of enactment of the Presidential and Executive Office Accountability Act, referred to in subsec. (e)(1), is the date of enactment of Pub. L. 104-331, which was approved Oct. 26, 1996.

AMENDMENTS

2021—Subsec. (a)(3). Pub. L. 116-283, §1103(e)(1)(A), added par. (3).

Subsecs. (c), (d). Pub. L. 116-283, §1103(e)(1)(B), (C), added subsec. (c) and redesignated former subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (d)(2)(C). Pub. L. 116-283, §1103(e)(1)(D), added subpar. (C).

Subsec. (e). Pub. L. 116-283, §1103(e)(1)(B), redesignated subsec. (d) as (e).

Subsec. (e)(1). Pub. L. 116-283, §1103(e)(1)(E), inserted “(as in effect on the date of enactment of the Presidential and Executive Office Accountability Act)” after “subsection (c)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 116-283, div. A, title XI, §1103(e)(2), Jan. 1, 2021, 134 Stat. 3889, provided that: “The amendments made by this subsection [amending this section] shall apply with respect to any birth or placement occurring on or after October 1, 2020.”

EFFECTIVE DATE

Subsec. (c) of this section effective Oct. 26, 1996, see section 471(b) of this title.

§ 413. Rights and protections under the Fair Labor Standards Act of 1938

(a) **FAIR LABOR STANDARDS.**—

(1) **IN GENERAL.**—The rights and protections established by subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 shall apply to covered employees.

(2) **INTERNS AND VOLUNTEERS.**—For the purposes of this section, the term “covered employee” does not include an intern or a volunteer as defined in regulations under subsection (c).

(3) **COMPENSATORY TIME.**—Except as provided in regulations under subsection (c)(3), covered employees may not receive compensatory time in lieu of overtime compensation.

(b) **REMEDY.**—The remedy for a violation of subsection (a) shall be such damages, including liquidated damages, as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938.

(c) **REGULATIONS TO IMPLEMENT SECTION.**—

(1) **IN GENERAL.**—The President, or the designee of the President, shall issue regulations to implement this section.

(2) **AGENCY REGULATIONS.**—Except as provided in paragraph (3), the regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(3) **IRREGULAR WORK SCHEDULES.**—The President or designee shall issue regulations for covered employees whose work schedules directly depend on the schedule of the President or the Vice President that shall be comparable to the provisions in the Fair Labor Standards Act of 1938 that apply to employees who have irregular work schedules.

(d) **EFFECTIVE DATE.**—Subsections (a) and (b) shall take effect on the earlier of—

- (1) the effective date of regulations issued under subsection (c); or
- (2) October 1, 1998.

(Added Pub. L. 104-331, §2(a), Oct. 26, 1996, 110 Stat. 4058.)

Editorial Notes

REFERENCES IN TEXT

The Fair Labor Standards Act of 1938, referred to in subsecs. (a)(1), (b), and (c)(3), is act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8 (§201 et seq.) of Title 29, Labor. Sections 6, 7, 12, and 16 of the Act are classified to sections 206, 207, 212, and 216, respectively, of Title 29. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Subsec. (c) of this section effective Oct. 26, 1996, see section 471(b) of this title.

§ 414. Rights and protections under the Employee Polygraph Protection Act of 1988

(a) **POLYGRAPH PRACTICES PROHIBITED.**—No employing office may require a covered employee to take a lie detector test where such a test would be prohibited if required by an employer under paragraph (1), (2), or (3) of section 3 of the Employee Polygraph Protection Act of 1988. In addition, the waiver provisions of section 6(d) of such Act shall apply to covered employees.