

flexible or compressed work schedule, and the establishment and termination of any such schedule, shall be subject to the provisions of this subchapter and the terms of a collective bargaining agreement between the agency and the exclusive representative.

(2) Employees within a unit represented by an exclusive representative shall not be included within any program under this subchapter except to the extent expressly provided under a collective bargaining agreement between the agency and the exclusive representative.

(b) An agency may not participate in a flexible or compressed schedule program under a collective bargaining agreement which contains premium pay provisions which are inconsistent with the provisions of section 6123 or 6128 of this title, as applicable.

(Added Pub. L. 97-221, §2(a)(2), July 23, 1982, 96 Stat. 231.)

§ 6131. Criteria and review

(a) Notwithstanding the preceding provisions of this subchapter or any collective bargaining agreement and subject to subsection (c) of this section, if the head of an agency finds that a particular flexible or compressed schedule under this subchapter has had or would have an adverse agency impact, the agency shall promptly determine not to—

- (1) establish such schedule; or
- (2) continue such schedule, if the schedule has already been established.

(b) For purposes of this section, “adverse agency impact” means—

- (1) a reduction of the productivity of the agency;
- (2) a diminished level of services furnished to the public by the agency; or
- (3) an increase in the cost of agency operations (other than a reasonable administrative cost relating to the process of establishing a flexible or compressed schedule).

(c)(1) This subsection shall apply in the case of any schedule covering employees in a unit represented by an exclusive representative.

(2)(A) If an agency and an exclusive representative reach an impasse in collective bargaining with respect to an agency determination under subsection (a)(1) not to establish a flexible or compressed schedule, the impasse shall be presented to the Federal Service Impasses Panel (hereinafter in this section referred to as the “Panel”).

(B) The Panel shall promptly consider any case presented under subparagraph (A), and shall take final action in favor of the agency’s determination if the finding on which it is based is supported by evidence that the schedule is likely to cause an adverse agency impact.

(3)(A) If an agency and an exclusive representative have entered into a collective bargaining agreement providing for use of a flexible or compressed schedule under this subchapter and the head of the agency determines under subsection (a)(2) to terminate a flexible or compressed schedule, the agency may reopen the agreement to seek termination of the schedule involved.

(B) If the agency and exclusive representative reach an impasse in collective bargaining with

respect to terminating such schedule, the impasse shall be presented to the Panel.

(C) The Panel shall promptly consider any case presented under subparagraph (B), and shall rule on such impasse not later than 60 days after the date the Panel is presented the impasse. The Panel shall take final action in favor of the agency’s determination to terminate a schedule if the finding on which the determination is based is supported by evidence that the schedule has caused an adverse agency impact.

(D) Any such schedule may not be terminated until—

(i) the agreement covering such schedule is renegotiated or expires or terminates pursuant to the terms of that agreement; or

(ii) the date of the Panel’s final decision, if an impasse arose in the reopening of the agreement under subparagraph (A) of this paragraph.

(d) This section shall not apply with respect to flexible schedules that may be established without regard to the authority provided under this subchapter.

(Added Pub. L. 97-221, §2(a)(2), July 23, 1982, 96 Stat. 231.)

§ 6132. Prohibition of coercion

(a) An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with—

(1) such employee’s rights under sections 6122 through 6126 of this title to elect a time of arrival or departure, to work or not to work credit hours, or to request or not to request compensatory time off in lieu of payment for overtime hours; or

(2) such employee’s right under section 6127(b)(1) of this title to vote whether or not to be included within a compressed schedule program or such employee’s right to request an agency determination under section 6127(b)(2) of this title.

(b) For the purpose of subsection (a), the term “intimidate, threaten, or coerce” includes, but 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 pro-

grams 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 nonworklife.

(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.)

Editorial Notes

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).

Statutory Notes and Related Subsidiaries

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.

Sec.

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.
6329d.	Parental bereavement 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.

SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

6391.	Authority for leave transfer program in disasters and emergencies.
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Editorial Notes

AMENDMENTS

2021—Pub. L. 117-81, div. A, title XI, §1111(b), Dec. 27, 2021, 135 Stat. 1953, which directed amendment of the table of sections for subchapter II of chapter 63 by adding item 6329d, was executed to the table of sections for this chapter, to reflect the probable intent of Congress.

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.