

(2) on duty in an area in which the employee was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period on duty in that area, other employees were subject to hostile fire or explosion of hostile mines; or

(3) killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action.

(b) An employee covered by subsection (a)(3) who is hospitalized for the treatment of his or her injury or wound may be paid hostile fire pay under this section for not more than three additional months during which the employee is so hospitalized.

(c) An employee may be paid hostile fire pay under this section in addition to other pay and allowances to which entitled, except that an employee may not be paid hostile fire pay under this section for periods of time during which the employee receives payment under section 5925 of this title because of exposure to political violence or payment under section 5928 of this title.

(Added Pub. L. 107-107, div. A, title XI, §1111(a), Dec. 28, 2001, 115 Stat. 1238.)

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Pub. L. 107-107, div. A, title XI, §1111(c), Dec. 28, 2001, 115 Stat. 1238, as amended by Pub. L. 108-375, div. A, title X, §1084(h)(3), Oct. 28, 2004, 118 Stat. 2064, provided that: "Section 5949 of title 5, United States Code, as added by subsection (a), is effective as if enacted into law on September 11, 2001, and may be applied with respect to any hostile action that took place on or after that date."

### Subpart E—Attendance and Leave

#### CHAPTER 61—HOURS OF WORK

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#### Editorial Notes

##### AMENDMENTS

1982—Pub. L. 97-221, §2(b), July 23, 1982, 96 Stat. 233, inserted "SUBCHAPTER I—GENERAL PROVISIONS" before item 6101 and inserted "SUBCHAPTER II—FLEXIBLE AND COMPRESSED WORK SCHEDULES" and items 6120 to 6133 after item 6106.

1972—Pub. L. 92-392, §7(b), Aug. 19, 1972, 86 Stat. 573, struck out item 6102 "Eight-hour day; 40-hour work week; wage-board employees".

#### SUBCHAPTER I—GENERAL PROVISIONS

#### Editorial Notes

##### AMENDMENTS

1982—Pub. L. 97-221, §2(a)(1), July 23, 1982, 96 Stat. 227, added subchapter I heading so as to designate existing provisions as "SUBCHAPTER I—GENERAL PROVISIONS".

#### § 6101. Basic 40-hour workweek; work schedules; regulations

(a)(1) For the purpose of this subsection, "employee" includes an employee of the government of the District of Columbia and an employee whose pay is fixed and adjusted from time to time under section 5343 or 5349 of this title, or by a wage board or similar administrative authority serving the same purpose, but does not include an employee or individual excluded from the definition of employee in section 5541(2) of this title, except as specifically provided under this paragraph.

(2) The head of each Executive agency, military department, and of the government of the District of Columbia shall—

(A) establish a basic administrative workweek of 40 hours for each full-time employee in his organization; and

(B) require that the hours of work within that workweek be performed within a period of not more than 6 of any 7 consecutive days.

(3) Except when the head of an Executive agency, a military department, or of the government of the District of Columbia determines that his organization would be seriously handicapped in carrying out its functions or that costs would be substantially increased, he shall provide, with respect to each employee in his organization, that—

(A) assignments to tours of duty are scheduled in advance over periods of not less than 1 week;

(B) the basic 40-hour workweek is scheduled on 5 days, Monday through Friday when possible, and the 2 days outside the basic workweek are consecutive;

(C) the working hours in each day in the basic workweek are the same;

(D) the basic nonovertime workday may not exceed 8 hours;

(E) the occurrence of holidays may not affect the designation of the basic workweek; and

(F) breaks in working hours of more than 1 hour may not be scheduled in a basic workday.