

1968—Pub. L. 90-623 substituted “Commissioner” for “Board of Commissioners” in pars. (1) and (3), and “District of Columbia Council” for “Board of Commissioners” in par. (2).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of this title.

EX. ORD. NO. 10552. DELEGATION OF AUTHORITY TO PROMULGATE REGULATIONS

Ex. Ord. No. 10552, Aug. 10, 1954, 19 F.R. 5079, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, provided:

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, 65 Stat. 713, it is declared that the Office of Personnel Management be, and it is hereby, designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority vested in the President by the joint resolution of June 29, 1938, 52 Stat. 1246, as amended by the act of June 11, 1954, 68 Stat. 249 [this section], to promulgate regulations under which certain employees of the Government may be prevented or relieved from working by administrative order.

§ 6105. Closing of Executive departments

An Executive department may not be closed as a mark to the memory of a deceased former official of the United States.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 516.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 28, Mar. 3, 1893, ch. 211, § 4, 27 Stat. 715.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 6106. Time clocks; restrictions

A recording clock may not be used to record time of an employee of an Executive department in the District of Columbia, except that the Bureau of Engraving and Printing may use such recording clocks.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 516; Pub. L. 97-221, § 6(a), July 23, 1982, 96 Stat. 234.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 27, Feb. 24, 1899, ch. 187, § 1 (14th par. on p. 864), 30 Stat. 864.

The words “District of Columbia” are substituted for “Washington” as a clearer statement.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1982—Pub. L. 97-221 substituted “District of Columbia, except that the Bureau of Engraving and Printing

may use such recording clocks” for “District of Columbia”.

EFFECTIVE DATE OF 1982 AMENDMENT

Section 6(b) of Pub. L. 97-221 provided that: “The amendment made by this section [amending this section] shall take effect October 1, 1982. Section 5 of this Act [set out in the Termination Date of 1982 Amendment note under section 6101 of this title] shall not apply to the amendment made by this section.”

SUBCHAPTER II—FLEXIBLE AND COMPRESSED WORK SCHEDULES

AMENDMENTS

1982—Pub. L. 97-221, § 2(a)(2), July 23, 1982, 96 Stat. 227, added subchapter II heading as part of enactment of sections 6120 to 6133 of this title.

§ 6120. Purpose

The Congress finds that the use of flexible and compressed work schedules has the potential to improve productivity in the Federal Government and provide greater service to the public.

(Added Pub. L. 97-221, § 2(a)(2), July 23, 1982, 96 Stat. 227.)

EXPANDING FAMILY-FRIENDLY WORK ARRANGEMENTS IN EXECUTIVE BRANCH

Memorandum of President of the United States, July 11, 1994, 59 F.R. 36017, provided:

Memorandum for the Heads of Executive Departments and Agencies

In order to recruit and retain a Federal work force that will provide the highest quality of service to the American people, the executive branch must implement flexible work arrangements to create a “family-friendly” workplace. Broad use of flexible work arrangements to enable Federal employees to better balance their work and family responsibilities can increase employee effectiveness and job satisfaction, while decreasing turnover rates and absenteeism. I therefore adopt the National Performance Review’s recommendation that a more family-friendly workplace be created by expanding opportunities for Federal workers to participate in flexible work arrangements, consistent with the mission of the executive branch to serve the public.

The head of each executive department or agency (hereafter collectively “agency” or “agencies”) is hereby directed to establish a program to encourage and support the expansion of flexible family-friendly work arrangements, including: job sharing; career part-time employment; alternative work schedules; telecommuting and satellite work locations. Such a program shall include:

- (1) identifying agency positions that are suitable for flexible work arrangements;
(2) adopting appropriate policies to increase the opportunities for employees in suitable positions to participate in such flexible work arrangements;
(3) providing appropriate training and support necessary to implement flexible work arrangements; and
(4) identifying barriers to implementing this directive and providing recommendations for addressing such barriers to the President’s Management Council.

I direct the Director of the Office of Personnel Management (“OPM”) and the Administrator of General Services (“GSA”) to take all necessary steps to support and encourage the expanded implementation of flexible work arrangements. The OPM and GSA shall work in concert to promptly review and revise regulations that are barriers to such work arrangements and develop legislative proposals, as needed, to achieve the goals of this directive. The OPM and GSA also shall assist agencies, as requested, to implement this directive.

The President’s Management Council, in conjunction with the Office of Management and Budget, shall en-

sure that any guidance necessary to implement the actions set forth in this directive is provided.

Independent agencies are requested to adhere to this directive to the extent permitted by law.

This directive is for the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

The Director of the Office of Management and Budget is authorized and directed to publish this directive in the Federal Register.

WILLIAM J. CLINTON.

§ 6121. Definitions

For purposes of this subchapter—

(1) “agency” means any Executive agency, any military department, the Government Printing Office, the Library of Congress, the Architect of the Capitol, and the Botanic Garden;

(2) “employee” has the meaning given the term in subsection (a) of section 2105 of this title, except that such term also includes an employee described in subsection (c) of that section;

(3) “basic work requirement” means the number of hours, excluding overtime hours, which an employee is required to work or is required to account for by leave or otherwise;

(4) “credit hours” means any hours, within a flexible schedule established under section 6122 of this title, which are in excess of an employee’s basic work requirement and which the employee elects to work so as to vary the length of a workweek or a workday;

(5) “compressed schedule” means—

(A) in the case of a full-time employee, an 80-hour biweekly basic work requirement which is scheduled for less than 10 workdays, and

(B) in the case of a part-time employee, a biweekly basic work requirement of less than 80 hours which is scheduled for less than 10 workdays;

(6) “overtime hours”, when used with respect to flexible schedule programs under sections 6122 through 6126 of this title, means all hours in excess of 8 hours in a day or 40 hours in a week which are officially ordered in advance, but does not include credit hours;

(7) “overtime hours”, when used with respect to compressed schedule programs under sections 6127 and 6128 of this title, means any hours in excess of those specified hours which constitute the compressed schedule; and

(8) “collective bargaining”, “collective bargaining agreement”, and “exclusive representative” have the same meanings given such terms—

(A) by section 7103(a)(12), (8), and (16) of this title, respectively, in the case of any unit covered by chapter 71 of this title; and

(B) in the case of any other unit, by the corresponding provisions applicable under the personnel system covering this unit.

(Added Pub. L. 97-221, §2(a)(2), July 23, 1982, 96 Stat. 227; amended Pub. L. 101-163, title III, §312, Nov. 21, 1989, 103 Stat. 1065; Pub. L. 104-106, div. A, title X, §1041, Feb. 10, 1996, 110 Stat. 433; Pub.

L. 111-68, div. A, title I, §1302(1), Oct. 1, 2009, 123 Stat. 2034.)

AMENDMENTS

2009—Par. (1). Pub. L. 111-68 substituted “the Library of Congress, the Architect of the Capitol, and the Botanic Garden” for “and the Library of Congress”.

1996—Par. (2). Pub. L. 104-106 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “‘employee’ has the meaning given it by section 2105 of this title;”.

1989—Par. (1). Pub. L. 101-163 inserted “the Government Printing Office,” after “military department;”.

§ 6122. Flexible schedules; agencies authorized to use

(a) Notwithstanding section 6101 of this title, each agency may establish, in accordance with this subchapter, programs which allow the use of flexible schedules which include—

(1) designated hours and days during which an employee on such a schedule must be present for work; and

(2) designated hours during which an employee on such a schedule may elect the time of such employee’s arrival at and departure from work, solely for such purpose or, if and to the extent permitted, for the purpose of accumulating credit hours to reduce the length of the workweek or another workday.

An election by an employee referred to in paragraph (2) shall be subject to limitations generally prescribed to ensure that the duties and requirements of the employee’s position are fulfilled.

(b) Notwithstanding any other provision of this subchapter, but subject to the terms of any written agreement referred to in section 6130(a) of this title, if the head of an agency determines that any organization within the agency which is participating in a program under subsection (a) is being substantially disrupted in carrying out its functions or is incurring additional costs because of such participation, such agency head may—

(1) restrict the employees’ choice of arrival and departure time,

(2) restrict the use of credit hours, or

(3) exclude from such program any employee or group of employees.

(Added Pub. L. 97-221, §2(a)(2), July 23, 1982, 96 Stat. 228.)

§ 6123. Flexible schedules; computation of premium pay

(a) For purposes of determining compensation for overtime hours in the case of an employee participating in a program under section 6122 of this title—

(1) the head of an agency may, on request of the employee, grant the employee compensatory time off in lieu of payment for such overtime hours, whether or not irregular or occasional in nature and notwithstanding the provisions of sections 5542(a), 5543(a)(1) and section¹ 5544(a) of this title, section 7453(e) of title 38, section 7 of the Fair Labor Standards

¹So in original. The word “section” probably should not appear.