

REFERENCES IN TEXT

The Family and Medical Leave Act of 1993, referred to in text, is Pub. L. 103-3, Feb. 5, 1993, 107 Stat. 6. Title I of the Act is classified generally to subchapter I (§2611 et seq.) of chapter 28 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 29 and Tables.

SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

§ 6391. Authority for leave transfer program in disasters and emergencies

(a) For the purpose of this section—

(1) “employee” means an employee as defined in section 6331(1); and

(2) “agency” means an Executive agency.

(b) In the event of a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees, the President may direct the Office of Personnel Management to establish an emergency leave transfer program under which any employee in any agency may donate unused annual leave for transfer to employees of the same or other agencies who are adversely affected by such disaster or emergency.

(c) The Office shall establish appropriate requirements for the operation of the emergency leave transfer program under subsection (b), including appropriate limitations on the donation and use of annual leave under the program. An employee may receive and use leave under the program without regard to any requirement that any annual leave and sick leave to a leave recipient’s credit must be exhausted before any transferred annual leave may be used.

(d) A leave bank established under subchapter IV may, to the extent provided in regulations prescribed by the Office, donate annual leave to the emergency leave transfer program established under subsection (b).

(e) Except to the extent that the Office may prescribe by regulation, nothing in section 7351 shall apply to any solicitation, donation, or acceptance of leave under this section.

(f) After consultation with the Administrative Office of the United States Courts, the Office of Personnel Management shall provide for the participation of employees in the judicial branch in any emergency leave transfer program under this section.

(g) The Office shall prescribe regulations necessary for the administration of this section.

(Added Pub. L. 105-18, title II, §9004(a), June 12, 1997, 111 Stat. 196; amended Pub. L. 109-229, §1, May 31, 2006, 120 Stat. 390.)

AMENDMENTS

2006—Subsecs. (f), (g). Pub. L. 109-229 added subsec. (f) and redesignated former subsec. (f) as (g).

CHAPTER 65—TELEWORK

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| Sec. | |
| 6501. | Definitions. |
| 6502. | Executive agencies telework requirement. |
| 6503. | Training and monitoring. |
| 6504. | Policy and support. |
| 6505. | Telework Managing Officer. |
| 6506. | Reports. |

§ 6501. Definitions

In this chapter:

(1) **EMPLOYEE.**—The term “employee” has the meaning given that term under section 2105.

(2) **EXECUTIVE AGENCY.**—Except as provided in section 6506, the term “executive agency” has the meaning given that term under section 105.

(3) **TELEWORK.**—The term “telework” or “teleworking” refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee’s position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.

(Added Pub. L. 111-292, §2(a), Dec. 9, 2010, 124 Stat. 3165.)

TELEWORK RESEARCH

Pub. L. 111-292, §4, Dec. 9, 2010, 124 Stat. 3173, provided that:

“(a) **RESEARCH BY OPM ON TELEWORK.**—The Director of the Office of Personnel Management shall—

“(1) research the utilization of telework by public and private sector entities that identify best practices and recommendations for the Federal Government;

“(2) review the outcomes associated with an increase in telework, including the effects of telework on energy consumption, job creation and availability, urban transportation patterns, and the ability to anticipate the dispersal of work during periods of emergency; and

“(3) make any studies or reviews performed under this subsection available to the public.

“(b) **USE OF CONTRACT TO CARRY OUT RESEARCH.**—The Director of the Office of Personnel Management may carry out subsection (a) under a contract entered into by the Director using competitive procedures under section 303 of the Federal Property and Administrative Services Act of 1949 ([former] 41 U.S.C. 253) [see 41 U.S.C. 3105, 3301, 3303 to 3305].

“(c) **USE OF OTHER FEDERAL AGENCIES.**—The heads of Federal agencies with relevant jurisdiction over the subject matters in subsection (a)(2) shall work cooperatively with the Director of the Office of Personnel Management to carry out that subsection, if the Director determines that coordination is necessary to fulfill obligations under that subsection.”

IMPLEMENTATION OF TELECOMMUTING PROGRAMS

Pub. L. 108-7, div. B, title VI, §623, Feb. 20, 2003, 117 Stat. 103, as amended by Pub. L. 111-292, §2(b)(2)(A), Dec. 9, 2010, 124 Stat. 3170, provided that: “Of the funds appropriated in this Act [div. B of Pub. L. 108-7, see Tables for classification] for the Departments of Commerce, Justice, and State, the Judiciary, and the Small Business Administration, \$100,000 shall be available to each Department or agency only to implement telecommuting programs: *Provided*, That, 6 months after the date of enactment of this Act [Feb. 20, 2003] and every 6 months thereafter, each Department or agency shall provide a report to the Committees on Appropriations on the status of telecommuting programs, including the number of Federal employees eligible for, and participating in, such programs: *Provided further*, That each Department or agency shall designate a Telework Managing Officer to be responsible for overseeing the implementation of telecommuting programs and serve as a point of contact on such programs for the Committees on Appropriations.”

Similar provisions were contained in the following appropriation acts:

Pub. L. 109-108, title VI, §617, Nov. 22, 2005, 119 Stat. 2340, as amended by Pub. L. 111-292, §2(b)(2)(D), Dec. 9, 2010, 124 Stat. 3171.

Pub. L. 108-447, div. B, title VI, §622, Dec. 8, 2004, 118 Stat. 2919, as amended by Pub. L. 111-292, §2(b)(2)(C), Dec. 9, 2010, 124 Stat. 3171.