

CHAPTER 79—SERVICES TO EMPLOYEES

- Sec. 7901. Health service programs.
- 7902. Safety programs.
- 7903. Protective clothing and equipment.
- 7904. Employee assistance programs relating to drug abuse and alcohol abuse.
- 7905. Programs to encourage commuting by means other than single-occupancy motor vehicles.
- 7906. Services of post-combat case coordinators.

AMENDMENTS

- 2011—Pub. L. 112-81, div. A, title XI, §1106(b), Dec. 31, 2011, 125 Stat. 1614, added item 7906.
- 1993—Pub. L. 103-172, §2(b), Dec. 2, 1993, 107 Stat. 1996, added item 7905.
- 1986—Pub. L. 99-570, title VI, §6004(b), Oct. 27, 1986, 100 Stat. 3207-159, added item 7904.

STATE OR LOCAL GOVERNMENT PROGRAMS ENCOURAGING EMPLOYEE USE OF PUBLIC TRANSPORTATION; FEDERAL AGENCY PARTICIPATION

Pub. L. 102-241, §44, Dec. 19, 1991, 105 Stat. 2226, provided that: "The Department of Transportation may include military personnel of the Coast Guard in any program in which the Department participates under section 629 of the Treasury, Postal Service and General Government Appropriations Act, 1991, Public Law 101-509 [set out below], notwithstanding section 629(c)(2) of that Act."

[For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

Pub. L. 101-509, title VI, §629, Nov. 5, 1990, 104 Stat. 1478, authorized Federal agencies and employees to participate in State or local government programs encouraging employees to use public transportation, directed General Accounting Office, not later than June 30, 1993, to conduct a study and submit a report on the implementation of such programs, and provided that this section was repealed effective Dec. 31, 1993.

§ 7901. Health service programs

(a) The head of each agency of the Government of the United States may establish, within the limits of appropriations available, a health service program to promote and maintain the physical and mental fitness of employees under his jurisdiction.

(b) A health service program may be established by contract or otherwise, but only—

(1) after consultation with the Secretary of Health, Education, and Welfare and consideration of its recommendations; and

(2) in localities where there are a sufficient number of employees to warrant providing the service.

(c) A health service program is limited to—

(1) treatment of on-the-job illness and dental conditions requiring emergency attention;

(2) preemployment and other examinations;

(3) referral of employees to private physicians and dentists; and

(4) preventive programs relating to health.

(d) The Secretary of Health, Education, and Welfare, on request, shall review a health service program conducted under this section and

shall submit comment and recommendations to the head of the agency concerned.

(e) When this section authorizes the use of the professional services of physicians, that authorization includes the use of the professional services of surgeons and osteopathic practitioners within the scope of their practice as defined by State law.

(f) The health programs conducted by the Tennessee Valley Authority are not affected by this section.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 530; Pub. L. 90-83, §1(47), Sept. 11, 1967, 81 Stat. 209; Pub. L. 104-201, div. C, title XXXV, §3548(a)(9), Sept. 23, 1996, 110 Stat. 2869.)

HISTORICAL AND REVISION NOTES 1966 ACT

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 150.	Aug. 8, 1946, ch. 865, 60 Stat. 903. Sept. 23, 1950, ch. 1010, §8, 64 Stat. 986.

In subsection (a), the words "agency of the Government of the United States" are coextensive with and substituted for "departments and agencies including Government-owned and controlled corporations" to avoid confusion with the definitions in sections 101-105.

In subsection (d) the word "appropriate" in the phrase "appropriate comment and recommendations" is omitted as unnecessary. The words "to the head of the agency concerned" are added for clarity.

In subsection (e), the substance of the definition of "physician" in former section 790 is substituted for the reference to that section.

In subsection (f)(2) and (3), the words "Canal Zone Government" and "Panama Canal Company" are substituted for "Panama Canal" and "Panama Railroad", respectively, on the authority of the Act of Sept. 26, 1950, ch. 1049, §2(a), 64 Stat. 1038.

The last proviso of the first sentence of the Act of Aug. 8, 1946, is omitted as executed.

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

1967 ACT

This section amends 5 U.S.C. 7901 to reflect 1966 Reorganization Plan No. 3, effective June 25, 1966, 80 Stat. 1610, section 1 of which transferred all functions of the Public Health Service to the Secretary of Health, Education, and Welfare.

AMENDMENTS

1996—Subsec. (f). Pub. L. 104-201 amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: "The health programs conducted by the following agencies are not affected by this section—

- "(1) the Tennessee Valley Authority;
- "(2) the Canal Zone Government; and
- "(3) the Panama Canal Company."

CHANGE OF NAME

Secretary of Health, Education, and Welfare redesignated Secretary of Health and Human Services by section 3508 of Title 20, Education.

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103-172, §1(a), Dec. 2, 1993, 107 Stat. 1995, provided that: "This Act [enacting section 7905 of this title and provisions set out as notes under section 7905 of

this title] may be cited as the ‘Federal Employees Clean Air Incentives Act.’”

DEMONSTRATION PROJECT: HEALTH PROTECTION; HEALTH PROMOTION; DISEASE PREVENTION; AND SECONDARY PREVENTION

Pub. L. 99-251, title I, §110, Feb. 27, 1986, 100 Stat. 17, directed Director of Office of Personnel Management to conduct a demonstration project to determine most effective method of furnishing health protection, health promotion, disease prevention, and secondary prevention services to Federal Government employees, with Director to report to Congress no later than 60 days after termination of project on Feb. 27, 1988.

§ 7902. Safety programs

(a) For the purpose of this section—

(1) “employee” means an employee as defined by section 8101 of this title; and

(2) “agency” means an agency in any branch of the Government of the United States (not including the United States Postal Service), including an instrumentality wholly owned by the United States, and the government of the District of Columbia.

(b) The Secretary of Labor shall carry out a safety program under section 941(b)(1) of title 33 covering the employment of each employee of an agency.

(c) The President may—

(1) establish by Executive order a safety council composed of representatives of the agencies and of labor organizations representing employees to serve as an advisory body to the Secretary in furtherance of the safety program carried out by the Secretary under subsection (b) of this section; and

(2) undertake such other measures as he considers proper to prevent injuries and accidents to employees of the agencies.

(d) The head of each agency shall develop and support organized safety promotion to reduce accidents and injuries among employees of his agency, encourage safe practices, and eliminate work hazards and health risks.

(e) Each agency shall—

(1) keep a record of injuries and accidents to its employees whether or not they result in loss of time or in the payment or furnishing of benefits; and

(2) make such statistical or other reports on such forms as the Secretary may prescribe by regulation.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 530; Pub. L. 91-596, §19(c), Dec. 29, 1970, 84 Stat. 1610; Pub. L. 105-241, §2(b)(2), Sept. 28, 1998, 112 Stat. 1572.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 784 (less (a)). Sept. 16, 1916, ch. 458, §33 (less (a)); added Dec. 22, 1944, ch. 664, 58 Stat. 887. Oct. 14, 1949, ch. 691, §209, 63 Stat. 865.

Subsection (a) is added on authority of former sections 790(b) and 794 (1st sentence), which are carried into section 8101.

The words “Secretary of Labor” and “Secretary” are substituted for “Administrator” on authority of sec-

tion 1 of 1950 Reorg. Plan No. 19, eff. May 24, 1950, 64 Stat. 1271.

Subsection (b) is restated for clarity. The words “under section 941(b)(1) of title 33” are substituted for “The provisions of section 941 of title 33 shall, insofar as not inapplicable, apply” on authority of section 941(g)(2) of title 33. The reference to “a safety program” is based in part on the words “in furtherance of the safety program carried out by the Secretary pursuant to this section” in former section 784(c).

In subsection (d), the word “foster” is omitted as included in “develop and support”. The words “and reduce compensable injuries” are omitted as unnecessary.

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

1998—Subsec. (a)(2). Pub. L. 105-241 inserted “(not including the United States Postal Service)” after “Government of the United States”.

1970—Subsec. (c)(1). Pub. L. 91-596 included representatives of labor organizations representing employees.

EXECUTIVE ORDER NO. 10990

Ex. Ord. No. 10990, Feb. 5, 1962, 27 F.R. 1065, which provided for the establishment of a Federal Safety Council, was superseded by Ex. Ord. No. 11612, July 26, 1971, 36 F.R. 13891, formerly set out below.

EXECUTIVE ORDER NO. 11612

Ex. Ord. No. 11612, July 26, 1971, 36 F.R. 13891, which related to occupational safety and health programs for federal employees, was superseded by Ex. Ord. 11807, Sept. 28, 1974, 39 F.R. 35559, formerly set out below.

EXECUTIVE ORDER NO. 11807

Ex. Ord. No. 11807, Sept. 28, 1974, 39 F.R. 35559, which related to occupational safety and health programs for federal employees and continued the Federal Advisory Council on Occupational Safety and Health, was revoked by Ex. Ord. No. 12196, Feb. 26, 1980, 45 F.R. 12769, set out below.

EX. ORD. NO. 12196. OCCUPATIONAL SAFETY AND HEALTH PROGRAMS FOR FEDERAL EMPLOYEES

Ex. Ord. No. 12196, Feb. 26, 1980, 45 F.R. 12769, as amended by Ex. Ord. No. 12223, June 30, 1980, 45 F.R. 45235; Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617, provided:

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 7902(c) of Title 5 of the United States Code and in accord with Section 19 of the Occupational Safety and Health Act of 1970, as amended (29 U.S.C 668), it is ordered:

1-1. SCOPE OF THIS ORDER

1-101. This order applies to all agencies of the Executive Branch except military personnel and uniquely military equipment, systems, and operations.

1-102. For the purposes of this order, the term “agency” means an Executive department, as defined in 5 U.S.C. 101, or any employing unit or authority of the Federal government, other than those of the judicial and legislative branches. Since section 19 [29 U.S.C. 668] of the Occupational Safety and Health Act (“the Act”) [29 U.S.C. 651 et seq.] covers all Federal employees, however, the Secretary of Labor (“the Secretary”) shall cooperate and consult with the heads of agencies in the legislative and judicial branches of the government to help them adopt safety and health programs.

1-2. HEADS OF AGENCIES

1-201. The head of each agency shall:

(a) Furnish to employees places and conditions of employment that are free from recognized hazards that