

#### § 414. Rights and protections under the Employee Polygraph Protection Act of 1988

(a) **POLYGRAPH PRACTICES PROHIBITED.**—No employing office may require a covered employee to take a lie detector test where such a test would be prohibited if required by an employer under paragraph (1), (2), or (3) of section 3 of the Employee Polygraph Protection Act of 1988. In addition, the waiver provisions of section 6(d) of such Act shall apply to covered employees.

(b) **REMEDY.**—The remedy for a violation of subsection (a) shall be such damages as would be appropriate if awarded under section 6(c)(1) of the Employee Polygraph Protection Act of 1988.

(c) **REGULATIONS TO IMPLEMENT SECTION.**—

(1) **IN GENERAL.**—The President, or the designee of the President, shall issue regulations to implement this section.

(2) **AGENCY REGULATIONS.**—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(d) **EFFECTIVE DATE.**—Subsections (a) and (b) shall take effect on the earlier of—

- (1) the effective date of regulations issued under subsection (c); or
- (2) October 1, 1998.

(Added Pub. L. 104-331, §2(a), Oct. 26, 1996, 110 Stat. 4058.)

#### Editorial Notes

##### REFERENCES IN TEXT

Sections 3 and 6 of the Employee Polygraph Protection Act of 1988, referred to in subsecs. (a) and (b), are classified to sections 2002 and 2005, respectively, of Title 29, Labor.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Subsec. (c) of this section effective Oct. 26, 1996, see section 471(b) of this title.

#### § 415. Rights and protections under the Worker Adjustment and Retraining Notification Act

(a) **WORKER ADJUSTMENT AND RETRAINING NOTIFICATION RIGHTS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), no employing office shall be closed or mass layoff ordered within the meaning of section 3 of the Worker Adjustment and Retraining Notification Act until the end of a 60-day period after the employing office serves written notice of such prospective closing or layoff to representatives of covered employees or, if there are no representatives, to covered employees.

(2) **EXCEPTION.**—

(A) **IN GENERAL.**—In the event that a President (hereinafter in this paragraph referred

to as the “previous President”) is not elected to a successive term in office as a result of the election of a new President—

(i) no notice or waiting period shall be required under paragraph (1) with respect to the separation of any individual described in subparagraph (B), if such separation occurs pursuant to a closure or mass layoff ordered after the term of the new President commences; and

(ii) if any individual is separated from service, or begins a period of leave under the Family and Medical Leave Act of 1993, before such term commences, nothing in this chapter shall require reinstatement or restoration to employment of the individual after such term commences.

(B) **DESCRIPTION OF INDIVIDUALS.**—An individual described in this subparagraph is any covered employee serving pursuant to an appointment made during—

- (i) the term of office of the previous President; or
- (ii) any term, earlier than the term referred to in clause (i), during which such previous President served as President or Vice President.

(b) **REMEDY.**—The remedy for a violation of subsection (a) shall be such damages as would be appropriate if awarded under paragraphs (1), (2), and (4) of section 5(a) of the Worker Adjustment and Retraining Notification Act.

(c) **REGULATIONS TO IMPLEMENT SECTION.**—

(1) **IN GENERAL.**—The President, or the designee of the President, shall issue regulations to implement this section.

(2) **AGENCY REGULATIONS.**—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(d) **EFFECTIVE DATE.**—Subsections (a) and (b) shall take effect on the earlier of—

- (1) the effective date of regulations issued under subsection (c); or
- (2) October 1, 1998.

(Added Pub. L. 104-331, §2(a), Oct. 26, 1996, 110 Stat. 4059.)

#### Editorial Notes

##### REFERENCES IN TEXT

Sections 3 and 5 of the Worker Adjustment and Retraining Notification Act, referred to in subsecs. (a)(1) and (b), are classified to sections 2102 and 2104, respectively, of Title 29, Labor.

The Family and Medical Leave Act of 1993, referred to in subsec. (a)(2)(A)(ii), is Pub. L. 103-3, Feb. 5, 1993, 107 Stat. 6, which enacted sections 60m and 60n of Title 2, The Congress, sections 6381 to 6387 of Title 5, Government Organization and Employees, and chapter 28 (§2601 et seq.) of Title 29, amended section 2105 of Title 5, and enacted provisions set out as notes under section

2601 of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 29 and Tables.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Subsec. (c) of this section effective Oct. 26, 1996, see section 471(b) of this title.

#### § 416. Rights and protections relating to veterans' employment and reemployment

(a) EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.—

(1) IN GENERAL.—It shall be unlawful for an employing office to—

(A) discriminate, within the meaning of subsections (a) and (b) of section 4311 of title 38, against an eligible employee;

(B) deny to an eligible employee reemployment rights within the meaning of sections 4312 and 4313 of title 38; or

(C) deny to an eligible employee benefits within the meaning of sections 4316, 4317, and 4318 of title 38.

(2) DEFINITION.—For purposes of this section, the term “eligible employee” means a covered employee performing service in the uniformed services, within the meaning of section 4303(13) of title 38, whose service has not been terminated upon the occurrence of any of the events enumerated in section 4304 of such title.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be such damages as would be appropriate if awarded under section 4323(d) of title 38.

(c) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The President, or the designee of the President, shall issue regulations to implement this section.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b)—

(A) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

(B) except that the President or designee may, at the discretion of the President or designee, issue regulations to implement a provision of section 4314 or 4324 of title 38, United States Code, that applies to employees in the executive branch of the Federal Government in lieu of an analogous statutory provision referred to in subsection (a) or (b), if the issuance of such regulations—

(i) would be equally effective for the implementation of the rights and protections under this section; and

(ii) would promote uniformity in the application of Federal law to employees in the executive branch of the Federal Government.

(d) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the earlier of—

(1) the effective date of regulations issued under subsection (c); or

(2) October 1, 1998.

(Added Pub. L. 104-331, §2(a), Oct. 26, 1996, 110 Stat. 4060; amended Pub. L. 111-275, title VII, §703(c), Oct. 13, 2010, 124 Stat. 2888.)

#### Editorial Notes

##### AMENDMENTS

2010—Subsec. (b). Pub. L. 111-275 substituted “under section 4323(d) of title 38” for “under paragraphs (1) and (2)(A) of section 4323(c) of title 38”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Subsec. (c) of this section effective Oct. 26, 1996, see section 471(b) of this title.

#### § 417. Prohibition of intimidation or reprisal

(a) IN GENERAL.—It shall be unlawful for an employing office to intimidate, take reprisal against, or otherwise discriminate against, any covered employee because the covered employee has opposed any practice made unlawful by this chapter, or because the covered employee has initiated proceedings, made a charge, or testified, assisted, or participated in any manner in a hearing or other proceeding under this chapter.

(b) REMEDY.—A violation of subsection (a) may be remedied by any legal remedy available to redress the practice opposed by the covered employee or other violation of law as to which the covered employee initiated proceedings, made a charge, or engaged in other conduct protected under subsection (a).

(Added Pub. L. 104-331, §2(a), Oct. 26, 1996, 110 Stat. 4061.)

#### PART B—PUBLIC ACCESS PROVISIONS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990

#### § 421. Rights and protections under the Americans with Disabilities Act of 1990

(a) RIGHTS AND PROTECTIONS.—The rights and protections against discrimination in the provision of public services and accommodations established by sections 201, 202, and 204, and sections 302, 303, and 309, of the Americans with Disabilities Act of 1990 shall apply, to the extent that public services, programs, or activities are provided, with respect to the White House and its appurtenant grounds and gardens, the Dwight D. Eisenhower Executive Office Building, the New Executive Office Buildings, and any other facility to the extent that offices are provided for employees of the Executive Office of the President.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be such remedy as would be appropriate if awarded under section 203 or 308 of the Americans with Disabilities Act of 1990, as the case may be, except that, with respect to any claim of employment discrimination, the exclusive remedy shall be under section 411 of this title. A remedy under the preceding sentence shall be enforced in accordance with applicable provisions of such section 203 or 308, as the case may be.