

112TH CONGRESS
2D SESSION

S. 2142

To permit employees to request, and to ensure employers consider requests for, flexible work terms and conditions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 29, 2012

Mr. CASEY introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To permit employees to request, and to ensure employers consider requests for, flexible work terms and conditions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Working Families
5 Flexibility Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Over the last 50 years, the demographics of
9 the Nation’s workforce have undergone significant

1 changes. As a result of the changes, the modern
2 workforce has a more diverse set of needs.

3 (2) Over time, increasing numbers of women
4 have joined the workforce. The Bureau of Labor
5 Statistics reports that in 1960 women composed 33
6 percent of employed persons, whereas in 2010 they
7 were 47 percent of employed persons.

8 (3) Fewer households have at least 1 parent at
9 home. According to the Bureau of the Census, more
10 than 70 percent of children are raised in families
11 that are headed by either a working single parent or
12 2 working parents. Furthermore, the number of
13 households with married parents and children, in
14 which both parents were in the workforce, rose to 66
15 percent in 2010. The number of single-parent fami-
16 lies has also increased, almost tripling over the last
17 50 years, from 5 percent in 1960, to 14 percent in
18 2010.

19 (4) More households are caring for older rel-
20 atives. According to the Bureau of the Census, the
21 average life expectancy for a child born in 2010 is
22 78.3 years, almost 10 years longer than for a child
23 born in 1960. The National Alliance for Caregiving
24 found that 57 percent of persons who provide unpaid
25 care to an adult or to a child with special needs are

1 employed, with 46 percent working full time and 11
2 percent working part time.

3 (5) Many jobs are now located outside of city
4 centers. Low-wage employees in particular have dif-
5 ficulty reaching jobs through public transportation
6 during off-peak shifts, such as shifts that start in
7 the evening or early morning.

8 (6) In response to the needs of the modern
9 workforce some employers have instituted flexible
10 work arrangements, which, according to Georgetown
11 University Law School's Workforce Flexibility 2010
12 initiative, are voluntary arrangements between em-
13 ployees and employers that alter the time or place
14 at which work is conducted, or the amount of work
15 that is conducted, in order to allow employees to
16 more easily meet the needs of both work and family
17 life.

18 (7) The National Study of the Changing Work-
19 force, published in 2002 by the Families and Work
20 Institute, found that employees with access to flexi-
21 ble work arrangements reported less interference be-
22 tween their job and family life, and fewer mental
23 health problems.

24 (8) Corporate Voices for Working Families
25 found that implementing workplace flexibility im-

1 proves employee satisfaction, morale, and teamwork
2 as well as employee health, well-being, and resilience,
3 and helps to reduce stress.

4 (9) Flexible work arrangements have also been
5 shown to improve the bottom line for businesses.
6 Corporate Voices for Working Families found that
7 implementing workplace flexibility improves the bot-
8 tom line by helping businesses to attract and retain
9 key talent, increase employee retention and reduce
10 turnover, reduce overtime and absenteeism, and en-
11 hance employee productivity, effectiveness, and en-
12 gagement.

13 (10) The President's Council of Economic Advi-
14 sors found that, as more businesses adopt flexibility
15 practices, the benefits to society, in the form of re-
16 duced traffic, improved employment outcomes, and
17 more efficient allocation of employees to employers,
18 may be greater than the gains to individual busi-
19 nesses and employees.

20 (11) According to a 2011 Government Account-
21 ability Office report, a flexible work environment can
22 increase and enhance employment opportunities for
23 individuals with disabilities.

1 (12) The Society for Human Resource Manage-
 2 ment believes that the key to getting the best out of
 3 every employee is a flexible work environment.

4 (13) According to the National Partnership for
 5 Women and Families, businesses can retain their
 6 most valuable asset—a trained and committed work-
 7 force—by offering flexible workplace policies.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) ADMINISTRATIVE OFFICER.—The term “ad-
 11 ministrative officer”, used with respect to an em-
 12 ployer or an employee, means the corresponding in-
 13 dividual or entity with authority to issue regulations
 14 under section 13.

15 (2) EMPLOYEE.—The term “employee” means
 16 an individual—

17 (A) who is—

18 (i)(I) an employee (including an appli-
 19 cant), as defined in section 3(e) of the Fair
 20 Labor Standards Act of 1938 (29 U.S.C.
 21 203(e)), who is not covered under any of
 22 clauses (ii) through (v), including such an
 23 employee of the Library of Congress, ex-
 24 cept that a reference in such section to an
 25 employer shall be considered to be a ref-

1 erence to an employer described in clauses
2 (i)(I) and (ii) of paragraph (3)(A); or

3 (II) an employee (including an appli-
4 cant) of the Government Accountability
5 Office;

6 (ii) a State employee (including an ap-
7 plicant) described in section 304(a) of the
8 Government Employee Rights Act of 1991
9 (42 U.S.C. 2000e–16c(a));

10 (iii) a covered employee (including an
11 applicant), as defined in section 101 of the
12 Congressional Accountability Act of 1995
13 (2 U.S.C. 1301);

14 (iv) a covered employee (including an
15 applicant), as defined in section 411(c) of
16 title 3, United States Code; or

17 (v) a Federal officer or employee (in-
18 cluding an applicant) covered under sub-
19 chapter V of chapter 63 of title 5, United
20 States Code; and

21 (B) who works at least 20 hours per week
22 or, in the alternative, at least 1,000 hours per
23 year.

24 (3) EMPLOYER.—

1 (A) IN GENERAL.—The term “employer”
 2 means a person who is—

3 (i)(I) a covered employer, as defined
 4 in subparagraph (B), who is not covered
 5 under any of subclauses (II) through (V);

6 (II) an entity employing a State em-
 7 ployee described in section 304(a) of the
 8 Government Employee Rights Act of 1991;

9 (III) an employing office, as defined
 10 in section 101 of the Congressional Ac-
 11 countability Act of 1995;

12 (IV) an employing office, as defined in
 13 section 411(c) of title 3, United States
 14 Code; or

15 (V) an employing agency covered
 16 under subchapter V of chapter 63 of title
 17 5, United States Code; and

18 (ii) is engaged in commerce (including
 19 government), in the production of goods
 20 for commerce, or in an enterprise engaged
 21 in commerce (including government) or in
 22 the production of goods for commerce.

23 (B) COVERED EMPLOYER.—

24 (i) IN GENERAL.—In subparagraph
 25 (A)(i)(I), the term “covered employer”—

1 (I) means any person engaged in
2 commerce or in any industry or activ-
3 ity affecting commerce who employs
4 15 or more employees for each work-
5 ing day during each of 20 or more
6 calendar workweeks in the current or
7 preceding calendar year;

8 (II) includes—

9 (aa) any person who acts,
10 directly or indirectly, in the inter-
11 est of such an employer to any of
12 the employees of such employer;
13 and

14 (bb) any successor in inter-
15 est of such an employer; and

16 (III) includes an agency de-
17 scribed in clause (iii) or (iv) of sub-
18 paragraph (A) of section 101(4) of
19 the Family and Medical Leave Act of
20 1993 (29 U.S.C. 2611(4)), to which
21 subparagraph (B) of such section
22 shall apply.

23 (ii) DEFINITIONS.—For purposes of
24 this subparagraph:

1 (I) COMMERCE.—The terms
2 “commerce” and “industry or activity
3 affecting commerce” have the mean-
4 ings given the terms in section 101 of
5 such Act (29 U.S.C. 2611).

6 (II) EMPLOYEE; PERSON.—The
7 terms “employee” and “person” have
8 the meanings given such terms in sec-
9 tion 3 of the Fair Labor Standards
10 Act of 1938 (29 U.S.C. 203).

11 (C) PREDECESSORS.—Any reference in
12 this paragraph to an employer shall include a
13 reference to any predecessor of such employer.

14 (4) SECRETARY.—The term “Secretary” means
15 the Secretary of Labor.

16 (5) SUPERVISOR.—

17 (A) IN GENERAL.—The term “supervisor”
18 has the meaning given the term in section 152
19 of the National Labor Relations Act (29 U.S.C.
20 152).

21 (B) APPLICATION.—For purposes of apply-
22 ing this paragraph, a reference in such sec-
23 tion—

1 (i) to an employee shall be considered
 2 to be a reference to an employee, as de-
 3 fined in this section; and

4 (ii) to an employer shall be considered
 5 to be a reference to an employer, as de-
 6 fined in this section.

7 **SEC. 4. STATUTORY RIGHT TO REQUEST FLEXIBLE WORK**
 8 **TERMS AND CONDITIONS.**

9 (a) IN GENERAL.—An employee may apply to the
 10 employee’s employer for a temporary or permanent change
 11 in the employee’s terms or conditions of employment if the
 12 change relates to—

13 (1) the number of hours the employee is re-
 14 quired to work;

15 (2) the times when the employee is required to
 16 work or be on call for work;

17 (3) where the employee is required to work; or

18 (4) the amount of notification the employee re-
 19 ceives of work schedule assignments.

20 (b) CONTENTS.—An application submitted under this
 21 section shall—

22 (1) state that the application is an application
 23 described in subsection (a);

1 (2) specify the change applied for and the date
 2 on which the employee requests that the change be-
 3 come effective; and

4 (3) explain what effect, if any, the employee
 5 thinks the change applied for would have on the em-
 6 ployer and how, in the employee's opinion, any such
 7 effect might be dealt with.

8 (c) SUBMISSIONS.—

9 (1) PERIOD BETWEEN SUBMISSIONS.—If an
 10 employee, who has submitted an application under
 11 this section to an employer, submits a further appli-
 12 cation under this section to the same employer be-
 13 fore the end of the period of 12 months beginning
 14 with the date on which the previous application was
 15 submitted, that further application shall not be cov-
 16 ered by section 5.

17 (2) FORM AND TIMING.—The administrative of-
 18 ficer shall, by regulation issued under section 13,
 19 specify—

20 (A) the form of applications submitted
 21 under this section; and

22 (B) when such an application shall be con-
 23 sidered to be submitted.

1 **SEC. 5. EMPLOYER'S DUTIES IN RELATION TO APPLICA-**
2 **TIONS.**

3 (a) IN GENERAL.—An employer to whom an em-
4 ployee submits an application under section 4 shall con-
5 sider the application, in accordance with regulations
6 issued under section 13.

7 (b) REGULATIONS.—Regulations issued under sub-
8 section (a)—

9 (1) shall include provisions that provide—

10 (A) that the employer and the employee
11 shall hold a meeting to discuss such an applica-
12 tion;

13 (B) that the employer shall give the em-
14 ployee a written decision regarding the applica-
15 tion, within a reasonable period after the date
16 of the meeting;

17 (C) that a decision under subparagraph
18 (B) to reject the application shall state the
19 grounds for the decision, including whether
20 those grounds included—

21 (i) the identifiable cost of the pro-
22 posed change in a term or condition of em-
23 ployment requested in the application, in-
24 cluding the costs of loss of productivity, of
25 retraining or hiring an employee, or of

1 transferring an employee from 1 facility to
2 another facility;

3 (ii) the overall financial resources in-
4 volved;

5 (iii) for an employer with multiple fa-
6 cilities, the geographic separateness or ad-
7 ministrative or fiscal relationship of the
8 staffs at the facilities;

9 (iv) the effect of the change on the
10 employer's ability to meet customer de-
11 mand; or

12 (v) another factor specified by the ad-
13 ministrative officer in regulation;

14 (D) that if the employer rejects the em-
15 ployee's application, the employer may propose
16 in writing an alternative change to the employ-
17 ee's hours, times, place, and amount of notifica-
18 tion of schedule assignments for work;

19 (E) that if the employee is dissatisfied with
20 the employer's decision under subparagraph (B)
21 and the alternative described in subparagraph
22 (D), and if the employer has another super-
23 visor, the employee has the right to reconsider-
24 ation of the decision by such supervisor, and to
25 receive a decision in writing from the reconsid-

1 eration within a reasonable period, in accord-
2 ance with procedures specified in regulations
3 issued under section 13;

4 (F) that the employee shall have a right to
5 be accompanied at meetings described in sub-
6 paragraph (A) by a representative of the em-
7 ployee's choosing with such qualifications as the
8 regulations shall specify;

9 (G) that if such a representative of the em-
10 ployee's choosing is not available to attend a
11 meeting described in subparagraph (A), the
12 meeting shall be postponed; and

13 (H) for extension of a time limit specified
14 in the regulations in a case in which the em-
15 ployer and employee agree, or in such other cir-
16 cumstances as the regulations may specify; and
17 (2) may include provisions that provide—

18 (A) that any requirement of the regula-
19 tions shall not apply in a case in which such an
20 application is disposed of by agreement or with-
21 drawn; and

22 (B) for applications to be treated as with-
23 drawn in specified circumstances.

1 **SEC. 6. PROHIBITED ACTS.**

2 (a) INTERFERENCE WITH RIGHTS.—It shall be un-
3 lawful for any employer to interfere with, restrain, or deny
4 the exercise of, or the attempt to exercise, any right pro-
5 vided under this Act.

6 (b) INTERFERENCE WITH APPLICATION, PRO-
7 CEEDINGS, OR INQUIRIES.—It shall be unlawful for any
8 employer to discharge or in any other manner discriminate
9 against (including retaliating against) any individual be-
10 cause such individual—

11 (1) has submitted (or attempted to submit) an
12 application under section 4 or requested (or at-
13 tempted to request) a reconsideration under section
14 5;

15 (2) has filed an action, or has instituted or
16 caused to be instituted any proceeding, under or re-
17 lated to this Act;

18 (3) has given, or is about to give, any informa-
19 tion in connection with any inquiry or proceeding re-
20 lating to any right provided under this Act;

21 (4) has testified, or is about to testify, in any
22 inquiry or proceeding relating to any right provided
23 under this Act;

24 (5) has opposed any practice made unlawful by
25 this Act; or

1 (6) has in any other way exercised or attempted
2 to exercise any right provided under this Act.

3 **SEC. 7. ENFORCEMENT.**

4 (a) DEFINITIONS.—Except as provided in subsection
5 (d), in this section:

6 (1) EMPLOYEE.—The term “employee” means
7 an employee described in clause (i) or (ii) of section
8 3(2)(A).

9 (2) EMPLOYER.—The term “employer” means
10 an employer described in subclause (I) or (II) of sec-
11 tion 3(3)(A)(i).

12 (b) GENERAL AUTHORITY.—The provisions of this
13 Act may be enforced pursuant to the following provisions:

14 (1) INVESTIGATION AND ASSESSMENT.—An em-
15 ployee who is affected by a violation of a right in
16 section 6 (including a violation relating to a right
17 provided under section 4 or 5) may make a com-
18 plaint to the Secretary of Labor, alleging that the
19 employer involved has violated section 6. The Sec-
20 retary shall receive, investigate, and attempt to re-
21 solve such complaints of violations in the same man-
22 ner as the Secretary receives, investigates, and at-
23 tempts to resolve complaints of violations of section
24 6 and 7 of the Fair Labor Standards Act of 1938
25 (29 U.S.C. 206 and 207), and may issue an order

1 making determinations, and assessing a civil penalty
2 described in section 8(a)(1) or awarding relief de-
3 scribed in section 8(a)(2), as appropriate, with re-
4 spect to such an alleged violation.

5 (2) ADMINISTRATIVE REVIEW.—An affected
6 person who takes exception to an order issued under
7 paragraph (1) may request a review of and a deci-
8 sion regarding such an order by an administrative
9 law judge, who may hold an administrative hearing
10 concerning the order under procedures established
11 by the administrative officer that comply with the
12 requirements of sections 554, 556, and 557 of title
13 5, United States Code, and regulations promulgated
14 by the administrative officer. Such hearing shall be
15 conducted expeditiously. If no affected person re-
16 quests such review within 60 days after the order is
17 issued under paragraph (1), the order shall be
18 deemed to be a final order that is not subject to ju-
19 dicial review.

20 (3) ENFORCEMENT.—The amount of any pen-
21 alty assessed against an employer under this sub-
22 section, when finally determined, may be—

23 (A) deducted from any sums owed by the
24 United States to the employer; or

1 (B) recovered in a civil action brought
2 against the employer by the Secretary, rep-
3 resented by the Solicitor of Labor (or brought
4 against the employer by the administrative offi-
5 cer specified in section 13(a)) in any court of
6 competent jurisdiction.

7 (4) CIVIL ACTION.—An affected person desiring
8 review of a decision issued under paragraph (2)
9 (other than a nonreviewable order) may file a peti-
10 tion for review in an appropriate Federal court of
11 appeals.

12 (5) CIVIL ACTION BY THE SECRETARY FOR IN-
13 JUNCTIVE RELIEF.—The Secretary (or the adminis-
14 trative officer specified in section 13(a)) may bring
15 an action for a violation described in paragraph (1)
16 in a district court of the United States to obtain the
17 injunctive relief described in section 8(b).

18 (c) OTHER EMPLOYEES.—

19 (1) EMPLOYEES COVERED BY CONGRESSIONAL
20 ACCOUNTABILITY ACT OF 1995.—Notwithstanding
21 any other provision of this section or section 8, the
22 powers, remedies, and procedures provided in the
23 Congressional Accountability Act of 1995 (2 U.S.C.
24 1301 et seq.) to the Board (as defined in section
25 101 of that Act (2 U.S.C. 1301)), or any person, al-

1 alleging a violation of section 202(a)(1) of that Act (2
2 U.S.C. 1312(a)(1)) shall be the powers, remedies,
3 and procedures this Act provides to that Board, or
4 any person, alleging an unlawful employment prac-
5 tice in violation of this Act against an employee de-
6 scribed in section 3(2)(A)(iii).

7 (2) EMPLOYEES COVERED BY CHAPTER 5 OF
8 TITLE 3, UNITED STATES CODE.—Notwithstanding
9 any other provision of this section or section 8, the
10 powers, remedies, and procedures provided in chap-
11 ter 5 of title 3, United States Code, to the Presi-
12 dent, the Merit Systems Protection Board, or any
13 person, alleging a violation of section 412(a)(1) of
14 that title, shall be the powers, remedies, and proce-
15 dures this Act provides to the President, that Board,
16 or any person, respectively, alleging an unlawful em-
17 ployment practice in violation of this Act against an
18 employee described in section 3(2)(A)(iv).

19 (3) EMPLOYEES COVERED BY CHAPTER 63 OF
20 TITLE 5, UNITED STATES CODE.—Notwithstanding
21 any other provision of this section or section 8, the
22 powers, remedies, and procedures provided in title 5,
23 United States Code, to an employing agency, pro-
24 vided in chapter 12 of that title to the Merit Sys-
25 tems Protection Board, or provided in that title to

1 any person, alleging a violation of subchapter V of
 2 chapter 63 of that title, shall be the powers, rem-
 3 edies, and procedures this Act provides to that agen-
 4 cy, that Board, or any person, respectively, alleging
 5 an unlawful employment practice in violation of this
 6 Act against an employee described in section
 7 3(2)(A)(v).

8 **SEC. 8. REMEDIES.**

9 (a) ADMINISTRATIVE PROCEEDINGS AND ACTIONS
 10 FOR REVIEW.—

11 (1) INTERFERENCE WITH EXERCISE OF
 12 RIGHTS.—In an action brought under paragraph (1),
 13 (2), or (4) of section 7(b), an employer who commits
 14 a willful or repeated violation of the provisions of
 15 section 6 (including a violation relating to a right
 16 provided under section 4 or 5) shall be subject to a
 17 civil penalty of not more than \$1,100 for each em-
 18 ployee who was the subject of such a violation.

19 (2) RETALIATION.—In an action brought under
 20 paragraph (1), (2), or (4) of section 7(b), if an em-
 21 ployer violates section 6(b), the employee who is af-
 22 fected by the violation or the Secretary (or the ad-
 23 ministrative officer specified in section 13(a)), as ap-
 24 propriate, may obtain an order awarding such equi-
 25 table relief as may be appropriate, including employ-

1 ment, reinstatement, promotion, back pay, and a
2 change in the terms or conditions of employment.

3 (b) CIVIL ACTION BY THE SECRETARY FOR INJUNC-
4 TIVE RELIEF.—In an action brought under section
5 7(b)(5), the Secretary (or the administrative officer speci-
6 fied in section 13(a)) may obtain an order—

7 (1) restraining violations of section 6 (including
8 a violation relating to a right provided under section
9 4 or 5); or

10 (2) awarding such other equitable relief as may
11 be appropriate, including employment, reinstatement,
12 promotion, back pay, and a change in the
13 terms or conditions of employment.

14 **SEC. 9. NOTICE.**

15 (a) IN GENERAL.—Each employer shall post and
16 keep posted, in conspicuous places on the premises of the
17 employer where notices to employees and applicants for
18 employment are customarily posted, a notice, to be pre-
19 pared or approved by the Secretary (or the administrative
20 officer specified in section 13(a)) setting forth excerpts
21 from, or summaries of, the pertinent provisions of this Act
22 and information pertaining to the filing of a complaint
23 under section 7(b).

1 (b) PENALTY.—Any employer that willfully violates
2 this section may be assessed a civil money penalty not to
3 exceed \$500 for each separate offense.

4 **SEC. 10. RECORDKEEPING.**

5 Any employer shall make, keep, and preserve records
6 pertaining to compliance with this Act in accordance with
7 regulations issued under section 13.

8 **SEC. 11. RESEARCH, EDUCATION, AND TECHNICAL ASSIST-**
9 **ANCE PROGRAM.**

10 (a) IN GENERAL.—The Secretary (and each adminis-
11 trative officer specified in section 13(a), as applicable)
12 shall provide information and technical assistance to em-
13 ployers, labor organizations, and the general public con-
14 cerning compliance with this Act.

15 (b) PROGRAM.—In order to achieve the objectives of
16 this Act—

17 (1) the Secretary, acting through the Adminis-
18 trator of the Wage and Hour Division of the Depart-
19 ment of Labor, shall issue guidance on compliance
20 with the Fair Labor Standards Act of 1938 (29
21 U.S.C. 201 et seq.) regarding providing a flexible
22 work environment through changes in employee
23 terms and conditions of employment as provided in
24 section 4(a); and

1 (2) the Secretary shall carry on a continuing
2 program of research, education, and technical assist-
3 ance, including—

4 (A) conducting and promoting research
5 with the intent of encouraging flexibility in
6 work terms and conditions;

7 (B) publishing and otherwise making avail-
8 able to employers, labor organizations, profes-
9 sional associations, educational institutions, the
10 various communication media, and the general
11 public the findings of studies and other mate-
12 rials for promoting compliance with this Act;

13 (C) sponsoring and assisting State and
14 community informational and educational pro-
15 grams; and

16 (D) providing technical assistance to em-
17 ployers, labor organizations, professional asso-
18 ciations, and other interested persons on means
19 of achieving and maintaining compliance with
20 the provisions of this Act.

21 **SEC. 12. RIGHTS RETAINED BY EMPLOYEES.**

22 Nothing in this Act shall be considered to diminish
23 the rights, privileges, or remedies of any employee under
24 any Federal or State law, or under a collective bargaining
25 agreement.

1 **SEC. 13. APPLICATION OF PROVISIONS.**

2 Not later than 12 months after the date of enactment
3 of this Act—

4 (1)(A) except as provided in subparagraph (B),
5 the Secretary shall issue such regulations as are nec-
6 essary to carry out this Act (including regulations
7 described in sections 4(c)(2), 5(a), 5(b)(1)(E), and
8 7(b)(2)) with respect to employees described in
9 clause (i) or (ii) of section 3(2)(A); and

10 (B) the Comptroller General of the United
11 States and the Librarian of Congress shall issue
12 such regulations as are necessary to carry out this
13 Act (including regulations described in sections
14 4(c)(2), 5(a), 5(b)(1)(E), and 7(b)(2)) with respect
15 to employees of the Government Accountability Of-
16 fice and the Library of Congress, respectively;

17 (2) the Board of Directors of the Office of
18 Compliance shall issue (in accordance with section
19 304 of the Congressional Accountability Act of 1995
20 (2 U.S.C. 1384)) such regulations as are necessary
21 to carry out this Act (including regulations described
22 in sections 4(c)(2), 5(a), 5(b)(1)(E), and 7(b)(2))
23 with respect to employees described in section
24 3(2)(A)(iii);

25 (3) the President (or the designee of the Presi-
26 dent) shall issue such regulations as are necessary to

1 carry out this Act (including regulations described in
 2 sections 4(c)(2), 5(a), 5(b)(1)(E), and 7(b)(2)) with
 3 respect to employees described in section 3(2)(A)(iv);
 4 and

5 (4) the Director of the Office of Personnel
 6 Management shall issue such regulations as are nec-
 7 essary to carry out this Act (including regulations
 8 described in sections 4(c)(2), 5(a), 5(b)(1)(E), and
 9 7(b)(2)) with respect to employees described in sec-
 10 tion 3(2)(A)(v).

11 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated to carry out
 13 this Act such sums as may be necessary for fiscal year
 14 2012 and each subsequent fiscal year.

15 **SEC. 15. EFFECTIVE DATE.**

16 (a) IN GENERAL.—Except as provided in subsection
 17 (b), this Act takes effect on the date of enactment of this
 18 Act.

19 (b) APPLICATION OF NONREGULATORY PROVI-
 20 SIONS.—

21 (1) IN GENERAL.—Except as provided in para-
 22 graph (2), sections 2 through 12 shall apply on the
 23 earlier of—

1 (A) the date that occurs 3 months after
2 the date on which the Secretary issues regula-
3 tions under section 13(a)(1)(A); and

4 (B) the date that occurs 15 months after
5 the date of enactment of this Act.

6 (2) COLLECTIVE BARGAINING AGREEMENTS.—

7 In the case of a collective bargaining agreement in
8 effect on the application date prescribed by para-
9 graph (1), sections 2 through 12 shall apply on the
10 earlier of—

11 (A) the date of the termination of such
12 agreement; or

13 (B) the date that occurs 12 months after
14 the date of enactment of this Act.

○