

section and of the sanctions applicable to any person who violates the requirements of this subsection.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-397 effective upon expiration of the 180-day period beginning on Dec. 21, 2018, with provisions for effect on pending proceedings, see section 401 of Pub. L. 115-397, set out as a note under section 1301 of this title.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-6 applicable with respect to mediations and other proceedings first initiated after Mar. 20, 2015, see section 2(d) of Pub. L. 114-6, set out as a note under section 1403 of this title.

§ 1417. Option to request remote work assignment or paid leave of absence during pendency of procedures

(a) Options for employees

(1) Remote work assignment

At the request of a covered employee who files a claim alleging a violation of part A of subchapter II by the covered employee's employing office, during the pendency of any of the procedures available under this subchapter for consideration of the claim, the employing office may permit the covered employee to carry out the employee's responsibilities from a remote location (referred to in this section as "permitting a remote work assignment") where such relocation would have the effect of materially reducing interactions between the covered employee and any person alleged to have committed the violation, instead of from a location of the employing office.

(2) Exception for work assignments required to be carried out onsite

If, in the determination of the covered employee's employing office, a covered employee who makes a request under this subsection cannot carry out the employee's responsibilities from a remote location or such relocation would not have the effect described in paragraph (1), the employing office may during the pendency of the procedures described in paragraph (1)—

(A) grant a paid leave of absence to the covered employee;

(B) permit a remote work assignment and grant a paid leave of absence to the covered employee; or

(C) make another workplace adjustment, or permit a remote work assignment, that would have the effect of reducing interactions between the covered employee and any person alleged to have committed the violation described in paragraph (1).

(3) Ensuring no retaliation

An employing office may not grant a covered employee's request under this subsection in a manner which would constitute a violation of section 1317 of this title.

(4) No impact on vacation or personal leave

In granting leave for a paid leave of absence under this section, an employing office shall not require the covered employee to sub-

stitute, for that leave, any of the accrued paid vacation or personal leave of the covered employee.

(b) Exception for arrangements subject to collective bargaining agreements

Subsection (a) does not apply to the extent that it is inconsistent with the terms and conditions of any collective bargaining agreement which is in effect with respect to an employing office.

(Pub. L. 104-1, title IV, §417, as added Pub. L. 115-397, title I, §113(a), Dec. 21, 2018, 132 Stat. 5313.)

Editorial Notes

REFERENCES IN TEXT

Part A of subchapter II, referred to in subsec. (a)(1), was in the original "part A of title II", meaning part A (§§201-207) of title II of Pub. L. 104-1, Jan. 23, 1995, 109 Stat. 7, which is classified principally to part A of subchapter II of this chapter. For complete classification of part A to the Code, see Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective upon expiration of the 180-day period beginning on Dec. 21, 2018, with provisions for effect on pending proceedings, see section 401 of Pub. L. 115-397, set out as an Effective Date of 2018 Amendment note under section 1301 of this title.

SUBCHAPTER V—MISCELLANEOUS PROVISIONS

§ 1431. Exercise of rulemaking powers

The provisions of sections 1302(b)(3), section¹ 1381(l), and 1384(c) of this title are enacted—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

(Pub. L. 104-1, title V, §501, Jan. 23, 1995, 109 Stat. 39; Pub. L. 115-397, title II, §201(c), Dec. 21, 2018, 132 Stat. 5317.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-397 inserted “, section 1381(l),” before “and 1384(c) of this title” in introductory provisions.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-397 effective upon expiration of the 180-day period beginning on Dec. 21, 2018,

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