

respect to the establishment of rates of pay and other matters deemed appropriate by the Secretary in order to develop compatible or unified systems of basic pay and employment practices, see section 1-201 of Ex. Ord. No. 12215, May 27, 1980, 45 F.R. 36043, set out as a note under section 3601 of this title.

§ 3659. Repealed. Pub. L. 105-85, div. C, title XXXV, § 3523(a)(2), Nov. 18, 1997, 111 Stat. 2064

Section, Pub. L. 96-70, title I, §1219, Sept. 27, 1979, 93 Stat. 466, related to salary protection upon conversion of pay rate.

§ 3660. Review and adjustment of classifications, grades, and pay level

An employee may request at any time that the employee's agency—

- (1) review the classification of the employee's position or the grade or pay level for the employee's position, or both; and
- (2) revise or adjust that classification, grade or pay level, or both, as the case may be.

The request for review and revision or adjustment shall be submitted and adjudicated in accordance with the regularly established appeals procedures of the agency.

(Pub. L. 96-70, title I, §1220, Sept. 27, 1979, 93 Stat. 466.)

§ 3661. Panama Canal Board of Appeals; duties

(a) Subject to the provisions of this part, the Commission shall prescribe regulations establishing a Panama Canal Board of Appeals. The regulations shall provide for the number of members of the Board and their appointment, compensation, and terms of office, the selection of a Chairman of the Board, the appointment and compensation of the Board's employees, and other appropriate matters relating to the Board.

(b) The Board shall review and determine the appeals of employees in accordance with section 3662 of this title. The decisions of the Board shall conform to the provisions of this subpart.

(Pub. L. 96-70, title I, §1221, Sept. 27, 1979, 93 Stat. 466; Pub. L. 105-85, div. C, title XXXV, §3548, Nov. 18, 1997, 111 Stat. 2073.)

Editorial Notes

AMENDMENTS

1997—Subsec. (a). Pub. L. 105-85 substituted "Commission" for "President".

§ 3662. Appeals to Board; procedures

(a) Persons entitled to appeal; form; time

An employee may appeal to the Panama Canal Board of Appeals from an adverse determination made by an agency under section 3660 of this title. The appeal shall be made in writing within a reasonable time (as specified in regulations prescribed by, or under the authority of, the Commission) after the date of the transmittal by the agency to the employee of written notice of the adverse determination.

(b) Personal appearance

The Board may authorize, in connection with an appeal pursuant to subsection (a) of this sec-

tion, a personal appearance before the Board by the employee, or by a representative of the employee designated for that purpose.

(c) Consideration of evidence; decision

After investigation and consideration of the evidence submitted, the Board shall—

- (1) prepare a written decision on the appeal;
- (2) transmit its decision to the agency concerned; and
- (3) transmit copies of the decision to the employee concerned or to the designated representative.

(d) Finality of decision

The decision of the Board on any question or other matter relating to an appeal is final and conclusive. The agency concerned shall take action in accordance with the decision of the Board.

(Pub. L. 96-70, title I, §1222, Sept. 27, 1979, 93 Stat. 467; Pub. L. 105-85, div. C, title XXXV, §3548, Nov. 18, 1997, 111 Stat. 2073.)

Editorial Notes

AMENDMENTS

1997—Subsec. (a). Pub. L. 105-85 substituted "Commission" for "President".

§ 3663. Repealed. Pub. L. 105-261, div. C, title XXXV, § 3508(a), Oct. 17, 1998, 112 Stat. 2269

Section, Pub. L. 96-70, title I, §1223, Sept. 27, 1979, 93 Stat. 467; Pub. L. 104-201, div. C, title XXXV, §3535, Sept. 23, 1996, 110 Stat. 2863, related to the Central Examining Office.

§ 3664. Applicability of title 5

The following provisions of title 5 apply to the Panama Canal Commission:

- (1) Part I of title 5 (relating to agencies generally).
- (2) Chapter 21 (relating to employee definitions).
- (3) Section 2302(b)(8) (relating to whistleblower protection) and all provisions of title 5 relating to the administration or enforcement or any other aspect thereof, as identified in regulations prescribed by the Commission in consultation with the Office of Personnel Management.
- (4) All provisions relating to preference eligibles.
- (5) Section 5514 (relating to offset from salary).
- (6) Section 5520a (relating to garnishments).
- (7) Sections 5531-5535 (relating to dual pay and employment).
- (8) Subchapter VI of chapter 55 (relating to accumulated and accrued leave).
- (9) Subchapter IX of chapter 55 (relating to severance and back pay).
- (10) Chapter 59 (relating to allowances).
- (11) Repealed. Pub. L. 105-261, div. C, title XXXV, §3507(a), Oct. 17, 1998, 112 Stat. 2269.
- (12) Section 6323 (relating to military leave; Reserves and National Guardsmen).
- (13) Chapter 71 (relating to labor relations).
- (14) Subchapters II and III of chapter 73 (relating to employment limitations and political activities, respectively) and all provisions

of title 5 relating to the administration or enforcement or any other aspect thereof, as identified in regulations prescribed by the Commission in consultation with the Office of Personnel Management.

(15) Chapter 81 (relating to compensation for work injuries).

(16) Chapters 83 and 84 (relating to retirement).

(17) Chapter 85 (relating to unemployment compensation).

(18) Chapter 87 (relating to life insurance).

(19) Chapter 89 (relating to health insurance).

(Pub. L. 96-70, title I, §1224, Sept. 27, 1979, 93 Stat. 467; Pub. L. 104-201, div. C, title XXXV, §3536, Sept. 23, 1996, 110 Stat. 2864; Pub. L. 105-85, div. C, title XXXV, §3524(a)(2), Nov. 18, 1997, 111 Stat. 2065; Pub. L. 105-261, div. C, title XXXV, §3507(a), Oct. 17, 1998, 112 Stat. 2269.)

Editorial Notes

AMENDMENTS

1998—Par. (11). Pub. L. 105-261 struck out par. (11) which read as follows: “Chapter 63 (relating to leave for CONUS employees).”

1997—Pars. (10) to (20). Pub. L. 105-85 redesignated pars. (11) to (20) as (10) to (19), respectively, and struck out former par. (10) which read as follows: “Chapter 57 (relating to travel, transportation, and subsistence).”

1996—Pub. L. 104-201 substituted “title 5” for “certain laws” in section catchline and amended text generally. Prior to amendment, text read as follows: “This part does not affect the applicability of—

“(1) the provisions of title 5 which relate to preference eligibles;

“(2) the provisions of title 5 which relate to removal or suspension from the competitive service; and

“(3) the provisions of section 5544(a) of title 5 which relate to wage-board overtime and Sunday rates, with respect to classes of employees who were covered by those provisions on September 27, 1979.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-261, div. C, title XXXV, §3507(a), Oct. 17, 1998, 112 Stat. 2269, provided that the amendment made by section 3507(a) striking out par. (11) of this section is effective 11:59 p.m. (Eastern Standard Time), Dec. 30, 1999, and any right or condition of employment provided for in, or arising from, par. (11) of this section is terminated.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-85 effective Jan. 1, 1999, see section 3524(c) of Pub. L. 105-85, set out as a note under section 3650 of this title.

§ 3665. Repealed. Pub. L. 105-85, div. C, title XXXV, § 3523(a)(3), Nov. 18, 1997, 111 Stat. 2065

Section, Pub. L. 96-70, title I, §1225(b), Sept. 27, 1979, 93 Stat. 468, related to minimum pay level and minimum annual increases.

SUBPART III—CONDITIONS OF EMPLOYMENT AND PLACEMENT

§ 3671. Transferred or reemployed employees

(a) Terms and conditions of employment

(1) With respect to any individual employed in the Panama Canal Company or the Canal Zone Government—

(A) who is transferred—

(i) to a position in the Commission; or

(ii) to a position in an Executive agency or in the Smithsonian Institution the permanent duty station of which is in the Republic of Panama (including the area known before October 1, 1979, as the Canal Zone); or

(B) who is separated by reason of a reduction in force on September 30, 1979, and is appointed to a position in the Commission before April 1, 1980;

the terms and conditions of employment set forth in paragraph (2) of this subsection shall be generally no less favorable, on or after the date of the transfer referred to in subparagraph (A) of this paragraph or the date of the appointment referred to in subparagraph (B) of this paragraph, as the case may be, than the terms and conditions of employment with the Panama Canal Company and Canal Zone Government on September 30, 1979, or, in the case of a transfer described in subparagraph (A)(ii) of this paragraph which takes place before that date, on the date of the transfer.

(2) The terms and conditions of employment referred to in paragraph (1) of this subsection are the following:

(A), (B) Repealed. Pub. L. 105-261, div. C, title XXXV, §3507(a), Oct. 17, 1998, 112 Stat. 2269.

(C) premium pay and night differential;

(D) reinstatement and restoration rights;

(E) injury and death compensation benefits;

(F) to (H) Repealed. Pub. L. 105-261, div. C, title XXXV, §3507(a), Oct. 17, 1998, 112 Stat. 2269.

(I) reduction-in-force rights;

(J) an employee grievance system, and the right to appeal adverse and disciplinary actions and position classification actions;

(K) veterans' preference eligibility;

(L) holidays;

(M) saved pay provisions; and

(N) severance pay benefits.

(b) Break in service

Any individual described in subsection (a)(1)(B) of this section who would have met the service requirement for early retirement benefits under section 8336(i) or 8339(d)(2) of title 5 (as amended by sections 1241(a) and 1242 of this Act, respectively), but for a break in service of more than 3 days immediately after September 30, 1979, shall be considered to meet that requirement. Any break in service by any such individual for purposes of section 8332 of such title 5 during the period beginning September 30, 1979, and ending on the date of the appointment referred to in such subsection (a)(1)(B) shall be considered a period of creditable service under such section 8332 for such individual, except that such period shall not be taken into account for purposes of determining average pay (as defined in section 8331(4) of such title 5) and no deduction, contribution, or deposit shall be required for that period under section 8334 of such title 5.

(c) Applicability of sections 903(c) and 904(a)(2) of title 20; sabbaticals

(1) Section 903(c) of title 20 shall not apply with respect to any teacher who was employed