

**Editorial Notes**

## AMENDMENTS

1986—Subsec. (c). Pub. L. 99-272, §4011(a), designated existing provisions as par. (1) and added par. (2).

Subsec. (f). Pub. L. 99-272, §4011(b), substituted “6-year” for “4-year”.

1983—Subsec. (f). Pub. L. 97-468, §235(a), substituted “4-year” for “3-year”.

Subsec. (g). Pub. L. 97-468, §235(b), substituted “this section, section 797b of this title, section 907 of this title, or section 1004 of this title” for “this section or section 797b of this title” wherever appearing.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-272, title IV, §4011(d), Apr. 7, 1986, 100 Stat. 109, provided that: “The amendments made by subsections (a) and (c) [amending this section and enacting provisions set out as a note under section 797b of this title] shall take effect on the date of enactment of this Act [Apr. 7, 1986], and the amendment made by subsection (b) [amending this section] shall be effective as of August 1, 1985.”

**§ 797d. Election and treatment of benefits****(a) Election**

(1) Any employee who accepts any benefits under an agreement entered into under section 797<sup>1</sup> of this title or a termination allowance under section 797a of this title, shall, except as provided in paragraph (2) of this subsection, be deemed to waive any employee protection benefits otherwise available under any other provision of law or any contract or agreement in effect on August 13, 1981, except benefits under sections 797b and 797c of this title, and shall be deemed to waive any cause of action for any alleged loss of benefits resulting from the provisions of or the amendments made by the Northeast Rail Service Act of 1981.

(2) Nothing in paragraph (1) of this subsection shall affect the right of any employee described in such paragraph to benefits under the Railroad Retirement Act of 1974 [45 U.S.C. 231 et seq.] or the Railroad Unemployment Insurance Act [45 U.S.C. 351 et seq.].

**(b) Treatment of benefits**

Any benefits received by an employee under an agreement entered into pursuant to section 797<sup>1</sup> of this title and any termination allowance received under section 797a of this title shall be considered compensation solely for purposes of—

(1) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.); and

(2) determining the compensation received by such employee in any base year under the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).

(Pub. L. 93-236, title VII, §705, as added Pub. L. 97-35, title XI, §1143(a), Aug. 13, 1981, 95 Stat. 664.)

**Editorial Notes**

## REFERENCES IN TEXT

Section 797 of this title, referred to in subsecs. (a)(1) and (b), was repealed by Pub. L. 99-509, title IV,

<sup>1</sup> See References in Text note below.

§ 4024(c), Oct. 21, 1986, 100 Stat. 1904, effective on the sale date (Apr. 2, 1987).

The Northeast Rail Service Act of 1981, referred to in subsec. (a)(1), is subtitle E (§§1131-1169) of title XI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 643. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of this title and Tables.

The Railroad Retirement Act of 1974, referred to in subsecs. (a)(2) and (b)(1), is act Aug. 29, 1935, ch. 812, as amended generally by Pub. L. 93-445, title I, §101, Oct. 16, 1974, 88 Stat. 1305, which is classified generally to subchapter IV (§231 et seq.) of chapter 9 of this title. For further details and complete classification of this Act to the Code, see Codification note set out preceding section 231 of this title, section 231t of this title, and Tables.

The Railroad Unemployment Insurance Act, referred to in subsecs. (a)(2) and (b)(2), is act June 25, 1938, ch. 680, 52 Stat. 1094, which is classified principally to chapter 11 (§351 et seq.) of this title. For complete classification of this Act to the Code, see section 367 of this title and Tables.

**§ 797e. Assignment of work****(a) General**

With respect to any craft or class of employees not covered by a collective bargaining agreement that provides for a process substantially equivalent to that provided for in this section, the Corporation shall have the right to assign, allocate, reassign, reallocate, and consolidate work formerly performed on the rail properties acquired pursuant to the provisions of this chapter from a railroad in reorganization to any location, facility, or position on its system if it does not remove such work from coverage of a collective bargaining agreement and does not infringe upon the existing classification of work rights of any craft or class of employees at the location or facility to which such work is assigned, allocated, reassigned, reallocated, or consolidated. Prior to the exercise of authority under this subsection, the Corporation shall negotiate an agreement with the representatives of the employees involved permitting such employees the right to follow their work.

**(b) Expiration**

The authority granted by this section shall apply only for as long as benefits are provided under this subchapter with funds made available under section 797l<sup>1</sup> of this title.

(Pub. L. 93-236, title VII, §706, as added Pub. L. 97-35, title XI, §1143(a), Aug. 13, 1981, 95 Stat. 665.)

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## REFERENCES IN TEXT

Section 797l of this title, referred to in subsec. (b), was repealed by Pub. L. 99-509, title IV, §4033(a)(2), Oct. 21, 1986, 100 Stat. 1908, and a new section 797l of this title was subsequently added by Pub. L. 104-88, §327(5).

**§ 797f. Contracting out**

All work in connection with the operation or services provided by the Corporation on the rail lines, properties, equipment, or facilities acquired pursuant to the provisions of this chapter and the maintenance, repair, rehabilitation, or modernization of such lines, properties, equip-

<sup>1</sup> See References in Text note below.