29 March 1982

STAT NOTE FOR: [redacted]
Deputy Director of Personnel

STAT THROUGH: [redacted]
Chief, Legislation Division, OGC

STAT FROM: [redacted]
Paralegal Specialist, OGC

SUBJECT: S. 2254, Temporary Extension of Flexitime Schedule Experiments

1. On Friday, 26 March, the President signed this bill into law (P.L. 97-160). It provides a four-month extension for the current flexitime experiment until a permanent solution can be worked out with the Administration. Senator Ted Stevens, the main supporter of the measure in the Senate, said the Senate will not have time to address a permenant flexitime bill until after the July 4th recess due to the consideration of budget issues in the coming months.

2. S. 2254 passed the House and Senate without amendment. Attached for your information are the two debates from the Congressional Record.

[redacted] STAT

Attachments

can put a company out of business. As Dr. Weidenbaum has observed, the costs to society of excessive and unnecessary government regulation are the factories and plants not built, the goods and services not available for consumption, and the jobs and incomes not generated. Ultimately, it is the consumer who is harmed by excessive and unnecessary government regulation.

For these reasons, I have been an original cosponsor of S. 1080 and I am in strong support of the compromise bill which is the focus of this floor debate. This legislation, however, is not a regulatory panacea; it is simply a first step toward restoring some greater reasonableness to our regulatory system. This legislation would require a review of new and existing regulations to insure that the benefits of the regulation are not outweighed by its costs and to insure that regulations have not outlived their usefulness. I urge my colleagues not to adopt amendments which would weaken this legislation which is of vital importance to the country.

Mr. President, I would briefly also like to express my support for two amendments which I understand will be offered to S. 1080. I have been a cosponsor of Senator SCHMITT's and Senator GRASSLEY's legislative veto legislation for many of the same reasons that I support the Regulatory Reform Act—namely, the reduction of costly and excessive regulation.

Congress has found it necessary to delegate the task of lawmaking to administrative agencies through statutes which give such agencies rulemaking authority. The legislative veto would permit an opportunity for Congress to more actively participate in the rulemaking process which it has established and authorized. The legislative veto would simply insure that the elected representatives of the people can examine costly new rules and regulations and determine whether or not they are warranted. In my opinion, it is an appropriate exercise of the power the Constitution gives to the Congress to enact legislation. I urge my colleagues to support this amendment.

Mr. President, I am also a cosponsor of Senator DECONCINI's and Senator SIMPSON's venue legislation which would require that suits of a purely local or regional nature be filed in the Federal district court in the State or region which is most greatly affected, rather than, as at present in the Federal court in the District of Columbia.

Environmental groups admittedly file suit in the District of Columbia because their causes will recieve more attention and because judges in the District of Columbia circuit have traditionally been more sympathetic to their claims than judges familiar with the region, and its unique problems. Cases tried in the District of Columbia are far from the people who will be vitally affected by the outcome of the litigation. The current situation has contributed to the perception of the people of Utah, and the people of many other States, that the Federal Government and the Federal courts are often their adversaries, not allies.

I urge my colleagues to support this amendment which would prevent this "forum shopping" from continuing. I applaud my colleague from Arizona and my colleague from Wyoming, Senator SIMPSON, for their efforts on behalf of this important legislation.

S. 2254—TEMPORARY EXTENSION OF FLEXITIME SCHEDULE EXPERIMENTS

Mr. STEVENS. Mr. President, I have a bill at the desk. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, reserving the right to object, and I do not expect to object. I will not object if I can be told that there will be no amendments on the bill and that the bill will be simply as it appears at the desk.

Mr. STEVENS. I yield to the Senator from Colorado.

Mr. ARMSTRONG. Mr. President, as I understand the proposal which the Senator from Alaska has sent to the desk, it relates to the flexitime issue which we discussed here on the floor a few days ago.

Basically, the proposed bill which he has laid before the Senate, or which he has asked to be laid before the Senate, will extend for a period of 4 months the current flexitime experiment.

Mr. President, I have a couple of observations I wish to make. First of all, I am very much for flexitime. I want to congratulate the Senator from Alaska for finding a way out of the dilemma in which we found ourselves when last this issue was before the Senate, because it has been like the "Perils of Pauline." There are those who really are not so sold on flexitime and who do not appreciate how necessary and desirable it is for Federal employees. The Senator from Alaska really deserves not only the compliments of Senators but a great deal of credit for finding a formula by which the flexitime can continue for a 4-month period while we work out a permanent solution to this matter.

I represent a large number of Federal employees in Colorado who are interested in flexitime and so my first observation is to thank him and congratulate him for finding this way to resolve the problem.

The second issue is the question of whether or not this bill is a suitable vehicle for amendment. It was my intention, as the Senator full well knows, to offer an amendment which would simply expand the flexitime concept to permit those workers in the private sector who do not presently have the opportunity to either work on a flexitime schedule or to negotiate through their collective bargaining agent for the right to work on a 4-day, 10-hour-per-day schedule, or in some other way adopt the flexitime concept, to permit them to do so. It just seems to me if it is good for Federal workers—which I believe it to be, in some cases—then that same option should be available within the private sector.

However, there are those who would find this a very controversial subject of amendment. So the proposal of the Senator from Alaska is to take sort of a cooling off period for the next 4 months to continue the flexitime experiment, leaving the existing flexitime agreements in place, giving us time to work out the details to permit Federal employees flexitime and also preserving the right of Senators who may have amendments to offer, including the one which I have just described, an opportunity to do so at a later time.

So it is my understanding that if the bill is approved, as I hope and expect it will be, that I am expected not to offer any amendments, I will be happy to withhold doing so on the understanding that when next the bill is called up for the permanent flexitime extension, that it will come up in the regular course of events. It will be a calendared item and I and any other Senators who wish to do so will retain their full right to offer amendments.

At that time I will bring to the attention of the Senate, when time is not so critical, an amendment which I think is meritorious and which I think will then be adopted.

I thank the Senator for bringing this to our attention at this time.

Mr. LEAHY. Mr. President, still reserving the right to object, I will reserve it only to add my commendation and praise to the work of the senior Senator from Alaska in bringing this matter to the floor. I know he has spent an enormous amount of time in trying to work this out with the various parties.

I think the flexitime experiment is well worth continuing. I think it is an excellent idea. I will not object.

The PRESIDING OFFICER. Without objection, the bill will be considered to have been read the first time by title and the second time at length, and the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, time is running out on this flexitime program. During the negotiations which attempted to get agreement on reauthorizing it, many agencies have changed their schedules already, starting today. This bill merely extends the authority for the current experiment until the beginning of the second pay period following July 4.

I want to state for the record why we picked that date.

Many of us are involved in the considerations of the debt ceiling bill, the continuing resolution, the third budget resolution for 1982, the budget resolution for 1983, the supplementals that are coming before us, and the hearings in connection with the appropriations bills. I am involved in the Department of Defense hearings, a very exhausting series of hearings which have been scheduled.

This is the earliest time that I think we can get an open period to consider flexitime. That would be immediately after the July 4 recess. I have not cleared that date with the majority leader, but it is my hope that we will have the bill on the floor in that period immediately following the July 4 recess.

We will deal with the amendment mentioned by the Senator from Colorado and the amendment of the Senator from Massachusetts.

I am grateful for the Senator allowing me to handle it in this manner.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2254) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Employees Flexible and Compressed Work Schedules Act of 1978 (5 U.S.C. 6101 et seq.) is amended—

(1) by striking out "over a 3-year period" in the first sentence of section 2;

(2) by striking out "the end of the 3-year period which begins on the effective date of this title" in section 102(c) and inserting in lieu thereof "the first day of the second pay period beginning after July 4, 1982"; and

(3) by striking out "the end of the 3-year period which begins on the effective date of this title" in section 202(d) and inserting in lieu thereof "the first day of the second pay period beginning after July 4, 1982".

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL ARCHITECTURE WEEK

Mr. HOLLINGS. Mr. President, last week I introduced Senate Joint Resolution 169, calling for the designation of the week of April 18, 1982, as "National Architecture Week."

This year marks the 125th anniversary of an organized architectural profession in the United States. Since 1857, when the American Institute of Architects was established in New York City, our country's architects have helped to give expression to our national goals.

Most recently, architects have led the Nation toward a renewed awareness of the limited resources of our planet. Today's architecture reflects a concern for growing needs and dwindling supplies of land, energy, and economic resources. At the same time, it affirms our Nation's belief in the heritage of our past, the promise of our future, and the basic integrity of our traditional values.

Mr. President, the American Institute of Architects has been honored by U.S. Presidents since its founding. In 1908, Theodore Roosevelt symbolically commended the White House itself into the AIA's hands for safekeeping. In 1923, President Warren G. Harding personally conferred the AIA's gold medal on Henry Bacon, designer of the Lincoln Memorial. And in 1957, President Dwight Eisenhower congratulated the institute on its centennial.

Believing that a nation's architecture provides vital clues to that nation's history, politics, aspirations, ethics, and priorities, I urge the speedy approval of Senate Joint Resolution 169 and the designation of the week of April 18, 1982, as "National Architecture Week" to note the AIA's 125 years of service to the Nation and its membership.

Mr. President, in May 1974 the AIA conferred upon me the title of honorary architect. Two other Members of the Senate, the senior Senator from Massachusetts (Mr. KENNEDY) and the senior Senator from Maryland (Mr. MATHIAS) have been similarly honored by the AIA and have asked to be cosponsors of Senate Joint Resolution 169.

Mr. President, I ask that the senior Senators from Massachusetts and Maryland, as well as the senior Senator from New York (Mr. MOYNIHAN) be added as cosponsors of Senate Joint Resolution 169.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEATH OF WALTER YONKER

Mr. GORTON. Mr. President, I wish to bring to the attention of the Senate the recent sudden passing of Walter (Walt) Yonker, executive vice president and staff head of the Pacific Seafood Processors Association, and ask that the Members of the Senate extend their sympathy to Walt's family and friends.

Walt Yonker was considered by all who knew him to be one of those rare individuals in the fisheries field who was respected and liked by all who knew him, even when they disagreed with him on substantive issues. He was, for nearly two decades, not only executive vice president of the Pacific Seafood Processors Association but a cohesive force for the commercial fishing industry as a whole. Walt's contribution did not stop at his work in the processing field; he also served as an industry adviser on the U.S. delegation to the United Nations Law of the Sea Conference, for which he was honored by being named "Man of the Year" in 1974 by the National Fisheries Institute.

Mr. President, the Northwest fishing community has lost a tireless advocate and truly knowledgeable leader, and we have all lost an outstanding citizen. Walt will certainly be missed by the fishing industry and by all those who knew him.

WALTER V. YONKER

Mr. MURKOWSKI. Mr. President, I should like to call to the attention of my Senate colleagues a tragedy that occurred on Sunday, March 14, 1982. On that day, the seafood processing industry suffered a great loss because Mr. Walter V. Yonker, the chairman of the Pacific Seafood Processors Association, passed away in Seattle, Wash., at the age of 65.

Although Walt resided in Washington State, he was a a great friend to Alaska and his role in developing Alaska's seafood industry will not be forgotten. Walt's influence on Alaska came at the most crucial time as Alaska found itself rich in fishery resources, but without an infrastructure to develop them. Through diligence and hard work, Walt helped to create the necessary infrastructure to allow the Alaska seafood industry to progress from its embryonic stages.

Walt Yonker was born on October 5, 1917, in Williston, N. Dak., and was educated at the University of Washington, in Seattle. He received degrees in education and food technology. In 1947, he joined the National Canners Association, which is currently entitled the National Food Processors Association. In 1952, he became the head of the inspection division of that association. From the years 1957 to 1981 he held the office of director and vice president of the National Canners Association Northwest Research Laboratory. He became executive vice president of the Pacific Seafood Processors Association in 1967, where he served until his untimely death.

Mr. President, Walt Yonker's participation in advisory committees, both in and out of government, is quite impressive. The list is extensive and I will only touch on a few of his many accomplishments. Walt was an adviser to the U.S. delegation to the Law of the Sea Conference and an adviser to the U.S. Delegation for Codex Almentarious in Bergen, Norway. He was a member of the U.S. State Department's Ocean Affairs Advisory Com-

We are talking about a program that is due to expire now when the weather is starting to turn good across this country, when people are looking with some type of hope to the new type of economy which we have promised them and the hope with which this weather brings to young couples who would like to perhaps own their first home. I think if we do anything to help boost the housing industry, which provides so many jobs and provides so much of this economy, we would be doing a great thing ultimately for the architect of this economic recovery plan, and I urge this Congress to pass this bill and extend this expiration date so that we can now have new housing starts across this country and give hope to those who one day, long to be homeowners.

● Mrs. HECKLER. Mr. Speaker, the severity of this past winter which fortunately ended on March 20—is the best argument I can make to my fellow Members to vote for this greatly needed extension of the National Housing Act. The winter was harsh, even for Massachusetts, which requires hardiness in every year.

But familiarity does not mean we in Massachusetts or New England were—or are—prepared to deal with some of the adverse economic consequences. The housing industry in Massachusetts was particularly hard hit, as was the housing industry across the country.

Moreover, the delay in getting new housing construction underway will fall even more heavily on low-income people who had qualified for interest subsidies under section 235.

A "yea" on this measure is the only responsible way to respond to these weather and market conditions, which could not have been foreseen when the reconciliation vote was taken last summer. A "yea" vote on this measure means that work will go forward on upwards of 9,000 homes this coming June—the anniversary of the original reconciliation vote—providing work for builders, carpenters, plumbers, masons, and, of course, needed homes for families.

With the homebuilding industry in a crippled state, due to high interest rates and other factors, this bill is needed as a boost, not a crutch.●

● Mr. ST GERMAIN. Mr. Speaker, I am pleased to add my support to that of the distinguished chairman of the Subcommittee on Housing and Community Development, my colleague from Texas (Mr. GONZALEZ) in urging the House to move expeditiously to approve H.R. 5708. This bill would extend the section 235 homeownership assistance program which is due to expire March 31 of this year to September 30 of this year.

Until 2 years ago, the section 235 homeownership program, which provides interest subsidies to people up to 95 percent of area median income to assist them in achieving homeownership, was a little used program. Enacted as part of the landmark Housing and Urban Development Act of 1968, the use of the is program has been quite extensive in the last 2 years because of the poor conditions in the homebuilding industry. In many parts of the country, the section 235 program is the only program that is enabling homebuilders to keep their heads above the waters of financial bankruptcy. Because of provisions enacted as part of the Gramm-Latta substitute to the Reconciliation Act of last year, the Congress was forced to accept an early termination of this program. Now, Mr. Speaker, we are seeing the demonstrated need for Federal programs such as this one that sustains the homebuilding industry.

H.R. 5008 has widespread support from the housing industry and from Members on both sides of the aisle. I am pleased that we have the cooperation of the distinguished ranking minority member, my colleague from Ohio, BILL STANTON'S, support for the prompt enactment of this bill.●

● Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 5708, legislation to extend the Federal Government's section 235 homeownership assistance program through the end of the current fiscal year of 1982.

The passage of the legislation before us under suspension of the rules is a relatively simple one, but one exceedingly important at a time when soaring interest rates and inflation is placing the American dream of homeownership in serious trouble.

By extending the section 235 homeownership assistance program beyond the March 31, 1982, expiration date through September 30, 1982, the House of Representatives can send a signal out to the homebuilding and construction industry that we want to keep alive a valuable Federal program that can assist them in selling houses.

On the national level, there are 8,000 reservations pending under section 235 at this point and, if the program is not extended, all of these units will be lost.

As Resident Commissioner from Puerto Rico, during the past several years, I have witnessed the dramatic slowdown in the homebuilding and construction industry on the national level and in our own island.

Fortunately, the Housing Subcommittee chaired by Congressman GONZALEZ has given every indication that it is working hard to resolve this situation, and to restore subsidized housing programs of the Federal Government so important to our local economy.

In Puerto Rico, I am informed that we have 239 housing units still being processed which could conceivably be lost if this legislation is not passed and, for that reason, this bill has my strong support.

Of this total, 150 units belong to an impressive development in the financial center of urban San Juan and the San Juan New Center, a core area in need of new housing units to solve relocation problems and to stimulate the economy in that sector of Puerto Rico.

Although no applications are pending due to the fact that no funds are available for new starts at the present time, these projects are still considered in the pipeline, being slowed down somewhat by high interest rates and the need to come up with additional financing even though the federally subsidized low interest rates are exceedingly helpful in a time of national slowdown in new housing starts.

I urge the passage of this legislation and support H.R. 5708.●

Mr. STANTON of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GONZALEZ) that the House suspend the rules and pass the bill, H.R. 5708.

The question was taken.

Mr. GREGG. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5708.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

EMERGENCY ALTERNATIVE WORK SCHEDULE EXTENSION

Ms. FERRARO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2254) to temporarily extend the authority to conduct experiments in flexible schedules and compressed schedules under the Federal Employees Flexible and Compressed Work Schedules Act of 1978.

The Clerk read as follows:

S. 2254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Federal Employees Flexible and Compressed Work Schedules Act of 1978 (5 U.S.C. 6101 et seq.) is amended—

(1) by striking out "over a 3-year period" in the first sentence of section 2;

(2) by striking out "the end of the 3-year period which begins on the effective date of this title" in section 102(c) and inserting in lieu thereof "the first day of the second pay period beginning after July 4, 1982"; and

(3) by striking out "the end of the 3-year period which begins on the effective date of this title" in section 202(d) and inserting in lieu thereof "the first day of the second pay period beginning after July 4, 1982."

The SPEAKER pro tempore. Is a second demanded?

Mr. DERWINSKI. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentlewoman from New York (Ms. FERRARO) will be recognized for 20 minutes, and the gentleman from Illinois (Mr. DERWINSKI) will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from New York (Ms. FERRARO).

Ms. FERRARO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 1978, the Congress authorized Public Law 95-390 a 3-year experiment for Federal agencies on the use of alternatives to the traditional fixed schedule 8-hour workday. Since then, more than 325,000 Federal employees in 1,500 organizations have taken part in this successful experiment. If we do not act today and pass legislation to extend this program, alternative work schedules in the Federal Government will expire in less than one week.

The legislation we are considering, S. 2254, merely extends the authority for the current experiment until the beginning of the second pay period following July 4. This emergency legislation was considered by unanimous consent yesterday in the Senate and passed without objection. I regret having to ask the House to enact legislation on an emergency basis, but not only will it cost taxpayers millions of dollars if we do not enact this legislation today, but the Federal work force will be disrupted. Allowing termination of this program, which the Office of Personnel Management found to be "successful in most situations from the perspective of experimenting organizations and individuals" would truly be a disaster.

I will not recount all the benefits of this program except to say that it is a no cost, morale boosting, productivity increasing, service improving program. I do, however, feel compelled to recount the actions of the administration in dealing with this matter which have placed us in this position today. The law establishing the 3-year experiment required the administration to submit an interim report and legislative proposals by September 30 of last year. I had scheduled hearings last October so that Congress could consider AWS in a rational and timely manner. Unfortunately, those hearings had to be canceled because the administration did not submit the report or the legislative proposals mandated by law. Finally, in November OPM submitted an interim report which found the program to be successful. However, the administration did not submit the required legislative recommendations.

After becoming convinced that the administration was not going to act, I introduced legislation in January which would continue the provisions of the current successful program. At hearings before my subcommittee, the administration was not able to present a single incidence of problems in the program which could not be corrected under the existing program or the legislation which I had introduced. Despite that fact, the administration consistently refused to support my legislation although they had not sent up an alternative plan. On the day after my bill, H.R. 5366, was reported from the Post Office and Civil Service Committee without a single negative vote, the administration finally sent up their legislative proposal.

The administration proposal would have effectively ended alternative work schedules in the Federal Government. The administration would require a determination prior to the implementation of an alternative work schedule that it would, first, improve productivity or provide greater service to the public, and second, not add to the cost of agency operations. This is clearly an impossible task. In addition, the administration proposal would make AWS a unilateral management right and would take away rights of Federal employees and their representatives granted by this Congress in the Civil Service Reform Act of 1978. To this day, no member of this body has introduced that legislation.

On March 2 this House voted 255 to 142 in favor of H.R. 5366, the legislation which I introduced to permanently authorize the program. Unfortunately, that was not a sufficient vote to suspend the rules and pass the legislation. Since that time I and others have been attempting to negotiate with all interested parties so that this important program would be able to continue. When it became clear that a compromise was not likely to be reached the chairman of the authorizing committee in the other body introduced this legislation to give all parties more time to work out a compromise.

The legislation which we are now considering is the same legislation which was passed by the other body yesterday. I am sorry to have to tell this House that the administration will not support this simple extension. I must say that I do not understand their opposition.

The intent of this bill is simple. It would continue the current program for approximately 4 months. Any experimental flexible or compressed work schedule program established under the Federal Employees Flexible and Compressed Work Schedules Act of 1978 (5 U.S.C. 6101 note) in effect on March 28, 1982, will not terminate by reason of: First, section 102(c) or section 292(d) of the 1978 act, as those sections were in effect prior to the amendments made by S. 2254; or second, the provisions of any collective bargaining agreement or experiment under the 1978 act which are based on section 102(c) or section 202(d). It is important that these programs continue so that the cost of irresponsible termination not be borne by the American public.

The termination date of this extension was selected by the Senator from Alaska, the chairman of the authorizing committee in the other body. I do not intend to wait until July to ask this House to again consider permanent legislation. At a time when Federal employee morale is at an all time low level, when we are asking Federal workers to work harder for less pay, to do more with fewer people, I urge this House not to permit this no cost program which is so important to Federal employee morale to lapse.

Mr. Speaker, I yield to the gentleman from Mississippi (Mr. WHITTEN), chairman of the Appropriations Committee for a unanimous-consent request.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON A BILL MAKING URGENT SUPPLEMENTAL APPROPRIATIONS FOR 1982

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making urgent supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. CONTE reserved all points of order on the bill.

MAKING IN ORDER ON TOMORROW OR ANY DAY THEREAFTER CONSIDERATION OF HOUSE JOINT RESOLUTION 409

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that it may be in order on tomorrow or any day thereafter to consider in the House the joint resolution (H.J. Res. 409) making further continuing appropriations for the fiscal year 1982.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, now that we have seen the latest edition of the Whitten-Conte show, to bring us back to reality, I yield 3 minutes to the champion of Federal employees, the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Speaker, I rise in support of the adoption of this legislation S. 2254 which would extend the Federal employees flexible and compressed work week for 120 days. A few short weeks ago, the House failed to pass H.R. 5366, under suspension of the rules although 255 Members, a clear majority, voted for it. As a result, the flexitime program will expire next Monday unless we take action immediately.

I have been working with Senator TED STEVENS on this matter and requested him to offer an amendment in the other body that would extend the flexitime program until we could work

out a more permanent agreement.

Yesterday afternoon, Senator STEVENS offered an amendment which would extend flexitime for 120 days. That amendment was unanimously approved by the Senate. We now have the opportunity to show the support of the House for flexitime by approving this extension.

I have talked with the Office of Personnel Management on several occasions the past few days urging their support for this legislation. All we are asking for is a simple extension of a very important program. The extension is not permanent and it does not cost any money. There is absolutely no rational reason why OPM should oppose this extension and it is my hope that they will do so.

Everyone benefits from flexible work schedules. The Federal Government benefits from the program because the increased morale has led to an increase in productivity. The general public benefits because flexible work schedules have increased operational hours and has meant greater accessibility to services being offered by the various agencies.

We are not asking that the Congress take action to make flexitime permanent, we are just asking that Congress allow this program to continue for 120 days so that we can work on a permanent program. When the House considered H.R. 5366, 255 Members voted in favor of the flexitime bill. I am requesting that these Members again show their support by voting for this extension.

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Mr. DERWINSKI. Mr. Speaker, I thank the gentleman for his inspiring remarks.

I yield 2 minutes to the gentleman from Virginia (Mr. WOLF), another great spokesman for Federal employees.

(Mr. WOLF asked and was given permission to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I represent a large number of Federal employees in Virginia's 10th District who have participated in the highly successful experimental work schedule program. I agree with the recent Office of Personnel Management report on the flexitime experiment which recommended that this worthwhile program be continued permanently. Because flexitime works, I have cosponsored legislation which would make permanent the Federal program which allows agencies to use alternative work schedules for employees. However, we are not here today to debate the merits of the permanent legislation. We are acting—and rightly so—to provide a temporary extension of flexitime while we work out a permanent solution to this matter.

I believe the flexitime experiment is worth continuing. I think it is an excellent idea—it shows vision and creativity in Federal management—but it is people who make it work.

I know a number of people, one in my own office, whose wife works at a particular agency, and could not work if flexitime were not available.

There are many people where one or the other will leave early and the other will go late, so that there is somebody home with the children. Nowhere is there any evaluation of the impact on that 2-year-old child or 5-year-old child or the impact on what it is to be 8 years old and know that your mother or father is there to see you off to school, or that there is somebody there to meet you at the bus.

We have to get away from the nuts and bolts type of thinking and consider the human approach. This does not cost the Government any money and provides high returns in the way of employee productivity and morale.

For the immediate, time is running out on the flexitime program. I urge my colleagues to extend the authority for the current experiment until the administration and Congress can resolve this matter. I am committed to the flexitime way of life. It deserves a new lease on life.

Ms. FERRARO. Mr. Speaker, I yield 5 minutes to the gentlewoman from Colorado (Mrs. SCHROEDER).

(Mrs. SCHROEDER asked and was given permission to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I rise in support of the legislation to extend the flexible and compressed work schedule for another 120 days. Instead of merely passing a stopgap measure to keep a good program from dying, we should be enacting permanent legislation to provide for the continued use of alternative work schedules. Time, however, has run out and the bill before us is the best we can do for the moment.

Let me take a moment to commend the persistence and commitment of the gentlewoman from New York (Ms. FERRARO). She has fought to pass legislation continuing the flexitime program, while it was being attacked from all sides. The administration has nitpicked every proposal, while belatedly producing its own suggestions which were quickly dismissed as unhelpful by those who know most about Federal flexitime. Some in the business community have unsuccessfully attempted to load an unrelated provision on the bill. There were even those in the labor community who expressed concern about various drafts. Through it all, Ms. FERRARO has pushed to keep flexitime going. Hundreds of thousands of Federal employees and millions of taxpayers are in her debt.

When permanent legislation was brought to the floor 3 weeks ago, I discussed the improvement in Government productivity, the increased service to the public, and the heightened morale of Federal employees which has come from the alternative work schedule program. Denver, Colo., representing, has been the primary testing ground for Federal alternative work schedules. I can tell you the program has reduced absenteeism, reduced traffic congestion, and favorably impressed those who deal with the Federal Government.

Since that time, I have learned of the intensity which Federal employees and their families feel about the flexibility provided by alternative work schedule program. My office has been deluged with phone calls and letters asking why there is trouble extending the program. I wish I could explain to them what the administration finds wrong about keeping offices open longer hours and providing greater service to the public. I can not.

Passage of this bill will keep the program going. We still need permanent legislation to assure continuity and predictability to those who use flexitime. Permanent legislation can also guarantee that alternative work schedule programs result in benefits to the Government and the taxpayer. For reasons that have already been explained, it is impossible right now to get permanent legislation enacted. The most prudent course for the moment is to avoid the large costs of closing down flexitime, by continuing the program, and then working to develop a consensus for the program's permanent continuation.

Mr. Speaker, let us not kill a valuable, no-cost, productivity-improving program. Let us pass this extension.

Mr. DERWINSKI. Mr. Speaker, first of all, I yield myself such time as I may consume.

Next Monday, the experimental Federal Employees Flexible and Compressed Work Schedules Act of 1978 expires. I supported the experiment, and, on the basis of the evidence, support continuation of the program, providing the admininstration and the Office of Personnel Management have the means to effectively manage and direct the efforts of the Federal work force.

That is a basic management requirement for this administration or any administration in giving priority consideration to the public interest.

I want to emphasize that President Reagan and OPM Director Donald Devine support permanent alternate work schedules in the Federal Government, but only with the proper management safeguards. While the flexitime experiment has been well received by Federal employees, that fact remains that it should not be viewed as an employee convenience. Federal managers should not be precluded from discontinuing work schedules that are not in the public interest.

As I mentioned at the outset, we are in a time bind in dealing with a complicated problem. What we are doing here today is buying some time with a simple 4-month extension of the existing flexitime program. That will give

us time to work out an agreement that will give the administration the tools it needs and requires to manage what is a promising and innovative program.

While I am in complete accord with the administration's position, I am supporting the simple extension of the existing program.

Mr. Speaker, I apologize to the gentlewoman from Colorado and the gentlewoman from New York. I know they have been getting ready for weeks for this fierce battle. I now have to advise them that the OPM has withdrawn all their objections to this bill. They are perfectly pleased to take the 4 months extension.

I would like to think it was because of the pressure applied on this side of the aisle from people like the gentleman from Virginia (Mr. WOLF) and the gentleman from Virginia (Mr. PARRIS).

The point is that they have decided that wisdom and logic are clearly on the side of the extension. The gentlewomen have made a very proper case. Flexitime has worked. It is a good management tool.

In the 4 months left, Senator STEVENS will work with us on the House side to see that we get a proper bill. I commend the gentlewoman from New York for not only her leadership, but her perseverance.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN).

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I rise in support of the motion to suspend the rules and pass S. 2254, legislation extending the experimental alternative work schedules program through the first day of the second pay period beginning after July 4, 1982.

Mr. Speaker, S. 2254, which the Senate passed yesterday, is a simple extension of the current AWS program. If the House does not pass S. 2254, the result is predictable: The alternative work schedule program will terminate on March 29, 1982.

As a long-time supporter of the AWS program and as a member of the Subcommittee on Human Resources, which has jurisdiction over this issue, I have come to recognize that this program significantly boosts employee morale and contributes to increasing Government efficiency. Indeed, the Office of Personnel Management found that a vast majority of participating supervisors and employees strongly endorse this program.

As you will recall, an effort earlier this month to pass under suspension a permanent authorization of the AWS program was defeated in the House.

While I recognize the concerns the administration previously had with the effort to permanently authorize the AWS programs, I wish to point out to my colleagues, that the measure before us today, is merely a temporary extension of the AWS program. It is my hope that during this extension period the administration and supporters of this program can reconcile any differences so that what has proved to be a productive program, beneficial to both the Government and to its employees, can continue uninterrupted.

Accordingly, I urge my colleagues to suspend the rules, and pass S. 2254.

Ms. FERRARO. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding.

I want to join my many colleagues who have already stood on the floor congratulating the chairwoman for her perserverance and for her effective representation with respect to this issue.

I think it has been universally said on this floor today that flexitime in the main has proved to be a very positive benefit in terms of productivity, but also from my perspective another very important aspect and that is morale. Probably at no time in the long history of the Federal Government has the morale of the Federal employee been at any lower ebb than it is today.

It is therefore, it seems to me, appropriate that we take this action to recognize the program's effectiveness.

I think the ranking minority member of the Post Office Committee was there at the hearing and there was really nobody, including the representatives of OPM, who said that the program was not in the best interests of the Government. It is true that they have some concerns about it.

I am now very pleased to hear the ranking minority member say that OPM has now decided to not oppose this extention, which will give us time to continue to look at this very positive program. It think it is a program which has proven itself in the trial period and ought to be permanently continued. I was one of those who strongly supported it when it was last on the floor of this House.

I am very hopeful that we will now see the unanimous approval of this extension and that we will be able to work out the permanent authorization for flexitime in the very near future.

Ms. FERRARO. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. PATTERSON).

Mr. PATTERSON. Mr. Speaker, I thank the chairwoman for yielding to me on this occasion to speak for this important legislation. I also commend her leadership in preparing and bringing this bill before us today.

I want to indicate to my colleagues that on the last occasion that we voted on the flexitime issue, I cast a no vote. On the bill today I fully intend to cast an aye vote and I urge all those who did vote no previously to reevaluate their position.

I think the bill has been handled very well. I think that flexitime plans should be made available to employees. This will certainly be of great assistance to working families where both partners work and most particularly in cases where a single parent works and has young children to care for.

I urge each and every person who voted aye last time to vote aye again and those who voted no to change their vote with me, reassessing their point of view and to vote aye today.

I thank the gentlewoman for yielding to me.

Mr. DERWINSKI. Mr. Speaker, I yield 14 minutes to the gentleman from North Carolina (Mr. JOHNSTON).

□ 1520

Mr. JOHNSTON. I thank the gentleman for yielding to me.

Mr. Speaker, this might well be called the Bureaucrats Are Better Than Real People Act; Extension of 1982, because I just do not understand why those employed in air-conditioned offices on the banks of the Potomac should be allowed the flexibility of their working hours when that same right is denied my millworkers down working in unair-conditioned mills under the Walsh-Healy Act who are making the clothes that these bureaucrats, especially in the armed services, are wearing.

It seems to me that what is sauce for the goose should be sauce for the gander. Why should our mills and our factories be required to pay overtime after 8 hours? Why should our workers in industry supplying the U.S. Government be forced to work 5 days a week under the Walsh-Healy Act, or their employer forced to assess against the American taxpayer a premium for overtime work when the bureaucrats up here are allowed the privilege of only coming to work 4 days a week, or maybe 3 days under flexitime.

My distinguished colleagues have pointed out what it does for the families of the bureaucrats. Well, I would think the same thing would be true for the families of my millworkers and my factory workers down in North Carolina, and the other factory workers throughout the country, a privilege which is denied their families under Walsh-Healy Act.

My distinguished colleagues have pointed ot how it enhances productivity. Well, should the taxpayers of America not be entitled to the same enhanced productivity in the defense contracts which are now restricted under Walsh-Healy and the Contract Work Hours Act?

Morale. Do you not think workers in the private sector now on 3-day weeks and 3-week months are suffering from lack of moral? Should not they, too, enjoy the wonderful world of flexitime? But all of this is denied them under Walsh-Healy.

I wonder if my distinguished colleagues would be willing to provide the private sector the same flexibility that they are so interested in providing the bureaucratic sector by repealing the

Walsh-Healy Act and letting the private sector simply comply with the Wage and Hour Act.

Mr. Speaker, I yield to my distinguished colleague from South Carolina (Mr. HARTNETT).

Mr. HARTNETT. I appreciate the gentleman yielding to me.

Mr. Speaker, unlike my colleague, I think this probably ought to be termed the Work As You Wish, Work When You Wish Act of 1982.

You know, it has been said here that the Federal employee is suffering from a tremendous loss of morale. I cannot understand why, Mr. Speaker. He is one of the most highly paid employees in the country. He has more benefits than any employee in any industry located anywhere in this world.

Can you imagine the autoworkers union, which is now negotiating contracts with General Motors and other automobile manufacturers, wanting the same thing? The gentleman who puts the headlights on would have to wait 3 hours for the gentleman who puts the bumper on to finish building the automobile.

And it has got to be said the same of our Federal employees, Mr. Speaker. There must be jobs that are linked to each other where one worker has to withhold what he or she would be doing in order to wait for his or her fellow employee to report to work under the flexitime system.

What about the employee who tells his supervisor that he reported to work at 7, but the supervisor chose not to come in until 10 and has no idea whatsoever whether the employee was there at 7 or not.

Maybe it is working well for the employee, but that employee is supposed to be working well for his employer, which is the taxpayers of this country. I think we are entitled to restore some discipline among our workers for the Federal Government, and some productivity. It is time that we exercised some self-control and let the American taxpayer know that his employees, the Federal Government's employees, were on the job every morning at a specified hour and did not retire in the evening until a specified hour.

If it would create some traffic jams, I would say to the gentlewoman from New York, perhaps she would want to decentralize some of this Federal Government and send some of it to South Carolina, where we have no problems with traffic jams whatsoever.

Mr. Speaker, I think we are doing a terrific injustice to our employers, the people who employ us, the taxpayers of this country, to let them permit their employees to come to work when they wish and work as long as they wish.

Mr. JOHNSTON. Mr. Speaker, I yield such time as he may require to the gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. I thank the gentleman for yielding.

Mr. Speaker, listening to the last gentleman speak, I was reminded some of the cars I have seen in the past come out of Detroit looking as though the person with the bumper had to wait 3 hours for the person with the headlight. Hopefully we are addressing those problems in those negotiations going on now.

I rise to come down in between what I have been hearing from both sides today. I happen to think the concept of flexitime does make sense. I think that it can improve productivity. But to suggest there have not been problems is to close your eyes to the reality of what has occurred in the Federal Government in some specific instances.

I cited when I spoke against the permanent extension that came before us some weeks ago the problem that we have seen with the Department of Labor, I referred to the article that appeared in the Washington Post on the subject, the allegations of which have not been contradicted, at least to my satisfaction.

Just yesterday I had an opportunity to speak with an employee of the Labor Department, a long-time member of the other party, who uses flexitime and feels that it does help him with time with his family. But he also told me that, in his opinion, the taxpayer is being ripped off at the present time with the abuses of flexitime that have crept up in certain parts of the Department of Labor.

I would suggest that what the administration has spoken about is the ability to give management those tools necessary to make sure that those abuses do not continue to occur and are not more widespread than those in the experimental program. That is all they are asking. I am sorry that we do not have a bill here that takes care of those problems.

When we were here 3 weeks ago, we were told that flexitime was emergency legislation and had to be passed on the suspension calendar with no opportunity for amendment. But we have had 3 weeks now. We have been here on the floor. We have had time to work on it. But, no, we have not used that chance to have this bill come before us because we have been dealing with such weighty things as the Hoboken Pier bill.

It seems to me we have got to get involved with these issues, and we have got to quit pushing them off.

We have reached a compromise between the administration and those that support a simple extension on a permanent basis of flexitime; hopefully in the next 4 months we can achieve what many of us seek, the concept of flexitime with the recognition that there are some severe problems and the recognition that when an administration comes into power, they deal on the management side. They have been elected by the American people to manage this Government from the executive branch. The Federal workers have not been given that mandate. They are to cooperate with management. And to the extent that we take out of the hands of the elected representatives of the people, the President of the United States and his administration, the ability to make those decisions that they must make in order to have a fully functioning, efficient Government, we make a mistake.

I would hope that we would keep that in mind. I think it would be very difficult for us to go home to our districts having a simple permanent extension of this bill, as was suggested a few years ago, without dealing with some of the real problems that do exist in the experimental programs of flexitime.

This bill is a good compromise at this time, but let us not fool the American people and say that flexitime is a panacea and that it does not have some problems. It does have some problems. These are real problems. The fact that in 3 weeks we have not been able to reach an adequate compromise on a permanent basis suggests that those problems are difficult and they must be addressed.

Mr. JOHNSTON. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. I thank my colleague for yielding to me.

Mr. Speaker, I had not really intended to take part in this debate, but yesterday, as a member of the Investigations Subcommittee of the Veterans' Affairs Committee, we held hearings in Memphis, Tenn., concerning the veterans' hospitals in that area and throughout the State of Tennessee, and the top people from those installations appeared before us.

Among other things, I do recall late in the morning a question was asked about this type of proceeding. To my surprise, the responses were negative. Basically, what we were told, at least so far as our group was concerned, it did not improve their productivity and it presented a great number of problems for the managers in managing the facilities, and particularly when it was necessary to bring groups of employees together. I suppose that would be comparable to the time the gentleman talked about the operation of an assembly procedure. But when it was necessary to have conferences and meetings, sometimes Joe Doe or Jane Smith just wasn't there because they were on the flexitime program and it was extremely difficult for managers to program work schedules and to make them work as they had been working before.

So on the basis of what I heard yesterday, I do not believe I can support the bill.

Mr. JOHNSTON. I thank the gentleman from Indiana.

Mr. Speaker, people who support this bill are voting for a two-tier system of employment rules and regulations for this country, one in favor

of the bureaucrats and the other against the American worker under Walsh-Healy.

Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman has 5 minutes remaining.

□ 1530

Mr. DERWINSKI. May I take just a minute, and this will close up debate on this side, but I would like to clear a few misconceptions.

First, the OPM, speaking for the administration, is in support of this bill. As far as I am concerned, there should be no controversy left unless people want to go beyond the administration position.

Second, let us understand that all we are passing is a simple 4-month extension, nothing else, and in that 4 months, the House and Senate will continue to work to see if we can get a package together that will in turn be acceptable to Dr. Devine, the OMB, and other spokesmen in the administration.

If a solution is reached, we will have no real controversy, a bill in proper form will be passed sometime later in July. If we do not reach an agreement, this act will die at the end of July. So, I would strongly recommend that for the purposes of ongoing negotiation, for the goal that the President, the Director, Mr. Devine, has in administrative reform and administrative responsibility, that we now support this measure.

Mr. Speaker, I yield back the balance of my time.

Ms. FERRARO. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SOLARZ).

Mr. SOLARZ. Mr. Speaker, I thank the gentlewoman for yielding. I want to compliment her on her efforts to resuscitate flexitime from the imminent death that confronts it if this legislation is not adopted.

I think it is probably fair to say that, if one can use a medical analogy, flexitime is now in the intensive care unit and hope is rapidly fading for its survival. If however, this legislation is adopted extending the experiment for 4 months, there is at least the possibility that a formula can be found which is acceptable to the administration and to the Federal employee unions, which would enable the Congress to continue flexitime on a permanent basis.

I think that, given the fact that this legislation went through the Senate unanimously, I gather, yesterday, that hopefully the House will approve it by a comparably significant margin today. Flexitime may not be perfect—nothing in our world is these days—but I submit that it is the best thing to have hit the Federal Government, at least in terms of its personnel policies, since they started to serve apple pie in the Federal cafeterias.

This is a program from which virtually everyone who participates benefits, and no one suffers. Over 300,000 Federal employees participated in the flexitime experiment. Ninety percent of those who did participate pronounced themselves satisfied with it. Eighty-five percent of the Federal managers who were responsible for administering the flexitime programs said that it was a productive experiment and that it in no way created any problems for them in terms of their ability to carry out the mission for which they were responsible.

The administration has told us that we could only continue flexitime if it actually results in an improvement or an increase in productivity, and it seems to me that this reverses what ought to be the burden of proof. I think that as long as flexitime can make the job a little bit more attractive for the Federal employees who participate in it, we ought to permit it, so long as it does not result in a decrease in productivity.

Hopefully, if this bill passes today, we will be able to find a way to address the legitimate concerns of the administration, but enable the flexitime program to continue. There is significant and substantial evidence on the record that flexitime has in fact resulted in improvements in productivity; that it has made the lives of a few hundred thousand Federal employees and their families a little bit easier by giving them some flexibility in terms of the hours in which they work, but at the same time it has enabled the taxpayers to make sure that they get a full day's work for a full day's pay. It has also contributed marginally to reducing traffic congestion in cities where there are substantial numbers of Federal employees. In some instances, flexitime has actually extended the number of hours in which Federal agencies are open to the public, without any additional personnel costs.

This is an experiment which has proved itself in a dozen different ways, and it really would be unfortunate if we let it die because of some quintessentially bureaucratic objections which have no relationship to reality.

So, I want to thank the gentlewoman from New York for giving me the opportunity to speak and to congratulate her for her efforts to keep Federal employees on flexitime. As the father of this program, who introduced the legislation which authorized it a few years ago, I have more than a passing interest in the survival of this little baby, and I appeal to my colleagues to let the program continue so that it does not die on March 29.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. SOLARZ. I yield to my very good friend, the senior statesman from Illinois.

Mr. DERWINSKI. I wonder if the gentleman would put on his other hat as a statesman and tell us, in all his travels around the world, if any other countries use flexitime.

Mr. SOLARZ. I have to confess to my very good friend from Illinois that on my various and intermittent trips around the world that I have worked so hard concentrating so hard on the foreign policy problems that I go there to find out about, that I have not had the time to inquire about flexitime. So, I wish I could claim that this was a universal experiment, but the truth is, all I know about is what we have managed to do with it here in the United States.

Mr. DERWINSKI. It is my impression the gentleman really does not travel enough.

Mr. SOLARZ. Well, I would say that coming from my distinguished friend, in light of his recent experiences, I am not sure that is an admonition I want to take to heart.

Ms. FERRARO. Mr. Speaker, I thank the gentleman for his statement. I, too, like my colleague from Illinois, would like to correct a few misconceptions that occurred during the final moments of the debate. My colleagues from North Carolina and South Carolina seem to be under the impression that this program is not used in the private sector. As a matter of fact, since the early 1970's an increasing number of private businesses have adopted a variety of flexible work schedules for employees. Today, it is estimated that nearly 10 million full-time workers enjoy flexible work schedules and compressed workweeks. Those variations from the standard fixed schedule, 8-hour workday, evolved as a means of coping with social change, particularly the dramatic increase of women in the work force and a desire on the part of all employees for a better accommodation between their working and personal lives.

The second point made is that Walsh-Healey is not covered in this legislation, for a very good reason. This subcommittee has no jurisdiction over that legislation. We have only jurisdiction over the Federal work force.

On the comment made by my colleague from California that we several weeks ago did bring the bill up, and had hoped to have something by this time, and he indicated his disappointment that we do not, let me also indicate that I am disappointed that we do not have a permanent authorization for this program at this time, but it is not for want or for lack of trying. As a matter of fact, for the past 3½ weeks we have been negotiating with OPM, and the administration has been absolutely intransigent on moving any sort of legislation.

Finally, let me say that I am delighted that OPM has decided at this last minute not to oppose the extension of this legislation for 4 months. I would hope that the two gentlemen mentioned by my colleague from Illinois,

the gentlemen from Virginia (Mr. PARRIS and Mr. WOLF), will work with their colleagues and the administration so that we do move for permanent authorization of this program in the very near future.

● Mrs. HECKLER. Mr. Speaker, the bill we are now considering, S. 2254, extends until July 29, 1982, the Federal Government's experiment in flexitime. During debate in this Chamber on H.R. 5366, it was brought out that this experimental program has produced successful results that have exceeded most expectations. A total of 300,000 Federal employees have participated in the program, of whom 90 percent report that they are pleased with the opportunities it provides. In addition, a great majority of the Federal managers responsible for supervising these flexitime experiments express satisfaction with the results.

Flexitime represents an opportunity to make the conditions of employment easier for Federal employees that have families—who are trying to balance the demands of bringing up children with those of fulfilling job responsibilities. In circumstances in which both parents are working, flexitime offers an opportunity to meet both demands, thereby increasing the enjoyment not only of family life but also job satisfaction, with corresponding productivity.

The Federal experience closely parallels private sector activity, where employers have found that they benefit from flexitime and that their employees have more control over their working lives. In particular, flexitime reduces the conflicts between work and personal needs of working women. In the private sector, over 10 million workers in thousands of different firms enjoy flexible schedules and compressed workweeks.

We need to enact this legislation today, to insure that the authority to continue the flexitime experiment will not expire, thus ending one of the most promising personnel innovations in the history of the Federal Government. I appeal to my colleagues on both sides of the aisle to support this legislation so that we can continue to provide Federal employees with the opportunities that this legislation would make possible.●

● Mr. FORD of Michigan. Mr. Speaker, I rise in support of S. 2254.

Several weeks ago, when the committee bill on flexible and compressed work schedules (H.R. 5366) was considered by this body, I pointed out that if we failed to enact legislation continuing these popular programs, that failure would be due to first, the opposition of the administration which wants to remove initiation or termination of flexible schedules from the bargaining table, and second, to attempts in the other body to use the Federal employees' program as a vehicle for enacting nongermane amendments affecting the working hours of some private sector employees. Sadly, permanent legislation is not before us today for those very reasons.

Although the parties involved have made good faith efforts to resolve their differences, the administration remains adamant that agency heads must have unilateral authority to terminate existing programs. The administration further insists that this authority be totally nonreviewable. The labor organizations, whose programs and collective bargaining agreements would be threatened by such broad authority, understandably object to the administration position. Existing programs were entered into as a result of collective bargaining and are covered by applicable collective bargaining agreements. The law in effect when these agreements were negotiated (as interpreted by the Federal Labor Relations Authority) provides that any termination of these programs is subject to negotiation. The administration now wants Congress to pass a law permitting agency heads to break these negotiated agreements presumably to bail the administration out of some contracts it feels are not in its interest. The administration wants Congress to permit it to abrogate collective bargaining agreements which are signed and sealed.

So, what we have before us today is a bill which would simply extend the existing program for approximately 4 months. If the bill is enacted, these programs will continue.

This morning, we learned the administration is opposed not just to the legislation reported earlier by the Committee on Post Office and Civil Service, but also to S. 2254, a simple 4-month extension, which could provide a cooling-off period during which the parties at odds perhaps could resolve their differences. Now we hear they support S. 2254. I am at a loss to understand the administration's earlier opposition, unless, it really is not serious about continuing this program. We on our side have done everything we can to keep these programs going. If a permanent program is not eventually enacted, Federal employees will understand it is the administration which is to blame for the loss of this popular program.●

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. FERRARO) that the House suspend the rules and pass the Senate bill, S. 2254.

The question was taken.

Mr. JOHNSTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Ms. FERRARO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material, on the Senate bill, S. 2254.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

□ 1540

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 5014, H.R. 4750, S. 146, S. 2166, H.R. 4709, H.R. 2528, H.R. 5708, and S. 2254, all by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

EXTENDING THE LIFE OF THE GATEWAY NATIONAL RECREATION ADVISORY COMMISSION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5014.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. SEIBERLING) that the House suspend the rules and pass the bill, H.R. 5014, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 368, nays 30, not voting 35, as follows:

[Roll No. 32]

YEAS—368

Addabbo	Bouquard	D'Amours
Akaka	Bowen	Daniel, Dan
Albosta	Breaux	Daniel, R. W.
Alexander	Brinkley	Daschle
Anderson	Brooks	Daub
Andrews	Broomfield	Davis
Annunzio	Brown (CA)	de la Garza
Anthony	Broyhill	Deckard
Applegate	Burgener	Dellums
Ashbrook	Burton, Phillip	DeNardis
Aspin	Butler	Derwinski
Atkinson	Byron	Dickinson
AuCoin	Campbell	Dicks
Bafalis	Carman	Dingell
Bailey (PA)	Carney	Dixon
Barnard	Chappell	Donnelly
Barnes	Chappie	Dorgan
Beard	Cheney	Dowdy
Bedell	Chisholm	Downey
Beilenson	Clausen	Duncan
Benedict	Clay	Dunn
Benjamin	Clinger	Dwyer
Bennett	Coelho	Dymally
Bereuter	Coleman	Dyson
Bethune	Collins (IL)	Early
Bevill	Conable	Edgar
Biaggi	Conte	Edwards (AL)
Bingham	Conyers	Edwards (CA)
Blanchard	Corcoran	English
Bliley	Coughlin	Erdahl
Boland	Courter	Erlenborn
Boiling	Coyne, James	Evans (DE)
Boner	Coyne, William	Evans (IA)
Bonior	Craig	Fary
Bonker	Crockett	Fascell

Chappell
Chappie
Chisholm
Clausen
Clay
Clinger
Coats
Coelho
Coleman
Collins (IL)
Conable
Conte
Conyers
Coughlin
Courter
Coyne, James
Coyne, William
Crockett
D'Amours
Daniel, Dan
Daniel, R. W.
Daschle
Daub
Davis
de la Garza
Deckard
Dellums
DeNardis
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Duncan
Dunn
Dwyer
Dymally
Dyson
Early
Edgar
Edwards (AL)
Edwards (CA)
Emerson
English
Erdahl
Evans (DE)
Evans (GA)
Evans (IA)
Fary
Fascell
Fazio
Fenwick
Ferraro
Fiedler
Findley
Fish
Fithian
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Forsythe
Fountain
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gray
Grisham
Guarini
Gunderson
Hagedorn
Hall (OH)
Hall, Sam
Hamilton
Hammerschmidt
Hance
Harkin
Hartnett
Hatcher
Hawkins
Heckler
Hefner
Heftel
Hertel
Hightower
Hiler
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Ireland
Jacobs
Jeffords
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kogovsek
Kramer
LaFalce
Lagomarsino
Lantos
Leach
Lee
Lehman
Leland
Levitas
Livingston
Loeffler
Long (LA)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Madigan
Markey
Marlenee
Marriott
Martin (NC)
Martin (NY)
Matsui
Mattox
Mavroules
Mazzoli
McClory
McCurdy
McGrath
McHugh
McKinney
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell (MD)
Mitchell (NY)
Moffett
Mollohan
Moore
Morrison
Murphy
Napier
Natcher
Nelligan
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Parris
Patman
Patterson
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Price
Pritchard
Quillen
Rahall
Railsback
Ratchford
Regula
Reuss
Richmond
Rinaldo
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Rodino
Roe
Rogers
Rose
Rosenthal
Roth
Roybal
Sabo
Santini
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Sensenbrenner
Shamansky
Shannon
Sharp
Shaw
Shelby
Siljander
Simon
Skeen
Skelton
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (PA)
Snowe
Solarz
Solomon
Spence
St Germain
Staton
Stokes
Stratton
Studds
Swift
Synar
Tauke
Tauzin
Traxler
Trible
Udall
Vander Jagt
Vento
Volkmer
Walgren
Wampler
Washington
Watkins
Waxman
Weaver
Weber (MN)
Weber (OH)
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zeferetti

NAYS—54

Archer
Broyhill
Burgener
Carman
Cheney
Collins (TX)
Corcoran
Craig
Crane, Daniel
Crane, Philip
Dannemeyer
Derwinski
Dreier
Edwards (OK)
Erlenborn
Fields
Gramm
Gregg
Hansen (ID)
Hansen (UT)
Hillis
Hyde
Jeffries
Johnston
Latta
Leath
Lewis
Lungren
Martin (IL)
McClory
McDonald
McEwen
Michel
Miller (OH)
Montgomery
Moorhead
Mottl
Myers
Oxley
Paul
Rangel
Roemer
Rousselot
Rudd
Shumway
Shuster
Smith (OR)
Snyder
Stangeland
Stenholm
Stump
Taylor
Thomas
Walker

NOT VOTING—38

Ashbrook
Badham
Bailey (MO)
Boggs
Brown (OH)
Burton, John
Derrick
Dornan
Dougherty
Eckart
Emery
Ertel
Evans (IN)
Foglietta
Frenzel
Gejdenson
Green
Hall, Ralph
Hendon
Kindness
LeBoutillier
Lent
Long (MD)
Marks
McCloskey
McCollum
McDade
Moakley
Molinari
Murtha
Neal
Pashayan
Pursell
Rhodes
Rostenkowski
Roukema
Russo
Schulze

Mr. CARMAN changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EMERGENCY ALTERNATIVE WORK SCHEDULE EXTENSION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 2254.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. FERRARO) that the House suspend the rules and pass the Senate bill, S. 2254, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 361, nays 33, not voting 39, as follows:

[Roll No. 39]

YEAS—361

Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkinson
AuCoin
Bafalis
Bailey (PA)
Barnard
Barnes
Beard
Bedell
Bellenson
Benedict
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Bliley
Boland
Boiling
Boner
Bonior
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown (CA)
Brown (CO)
Burgener
Burton, Phillip
Butler
Byron
Campbell
Carman
Carney
Chappie
Cheney
Chisholm
Clausen
Clay
Clinger
Coats
Coelho
Coleman
Collins (IL)
Conable
Conte
Conyers
Corcoran
Courter
Coyne, William
Craig
Crane, Philip
Crockett
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Daub
Davis
de la Garza
Deckard
Dellums
DeNardis
Derwinski
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Dunn
Dwyer
Dymally
Dyson
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
Erdahl
Erlenborn
Evans (DE)
Evans (GA)
Evans (IA)
Fary
Fascell
Fazio
Fenwick
Ferraro
Fiedler
Findley
Fish
Fithian
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Fountain
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Grisham
Guarini
Gunderson
Hagedorn
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Hatcher
Hawkins
Heckler
Hefner
Heftel
Hertel
Hightower
Hiler
Holland
Hollenbeck
Holt
Horton
Howard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kogovsek
Kramer
LaFalce
Lagomarsino
Lantos
Leach
Lee
Lehman
Leland
Levitas
Lewis
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mattox
Mavroules
Mazzoli
McClory
McCurdy
McDonald
McEwen
McGrath
McHugh
McKinney
Mica
Michel
Mikulski
Miller (CA)
Mineta
Minish
Mitchell (MD)
Mitchell (NY)
Moffett
Mollohan
Moore
Moorhead
Morrison
Mottl
Murphy
Napier
Natcher
Nelligan
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Oxley
Panetta
Parris
Patman
Patterson
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Price
Pritchard
Quillen
Rahall
Railsback
Ratchford
Regula
Reuss
Richmond
Rinaldo
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Rodino
Roe
Rose
Rosenthal
Rousselot
Roybal
Sabo
Santini
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shamansky
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Skeen
Skelton
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (PA)
Snowe
Solarz
Solomon
Spence
St Germain
Stangeland
Stanton
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tauke
Tauzin
Taylor
Thomas
Traxler
Trible
Udall
Vander Jagt
Vento
Volkmer
Walgren
Wampler
Washington
Watkins
Waxman
Weaver
Weber (MN)
Weber (OH)
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zeferetti

pay period beginning after July 4, 1982 [see section 306 of this note below].

[See main volume for text of sections 203 to 306]

Termination Date of 1982 Amendment. Pub.L. 97–221, § 5, July 23, 1982, 96 Stat. 234, as amended Pub.L. 99–69, July 22, 1985, 99 Stat. 167; Pub.L. 99–109, Sept. 30, 1985, 99 Stat. 482; Pub.L. 99–140, Oct. 31, 1985, 99 Stat. 563, which had provided that enactment of subchapter II of this chapter (sections 6120 to 6133 of this title), amendment of sections 3401 and 6106 of this title, and enactment of provisions set out as notes under this section and section 6106 of this title, should not be in effect after Dec. 31, 1985, was repealed by Pub.L. 99–196, Dec. 23, 1985, 99 Stat. 1350.

Short Title of 1982 Amendment. Pub.L. 97–221, § 1, July 23, 1982, 96 Stat. 227, provided: "That this Act [enacting subchapter II of this chapter, amending sections 3401 and 6106 of this title, and enacting provisions set out as notes under this section and section 6106 of this title] may be cited as the 'Federal Employees Flexible and Compressed Work Schedules Act of 1982'."

Savings Provisions; 1982 Amendment. Pub.L. 97–221, § 4, July 23, 1982, 96 Stat. 234, provided that:

"(a) Except as provided in subsection (b), each flexible or compressed work schedule established by any agency under the Federal Employees Flexible and Compressed Work Schedules Act of 1978 (5 U.S.C. 6101 note) [set out as a note under this section] in existence on the date of enactment of this Act [July 23, 1982] shall be continued by the agency concerned.

"(b)(1) During the 90-day period after the date of the enactment of this Act [July 23, 1982], any flexible or compressed work schedule referred to in subsection (a) may be reviewed by the agency concerned. If, in reviewing the schedule, the agency determines in writing that—

"(A) the schedule has reduced the productivity of the agency or the level of services to the operations, and

"(B) termination of the schedule will not result in an increase in the cost of the agency operations (other than a reasonable administrative Cost relating to the process of terminating a schedule),

the agency shall, notwithstanding any provision of a negotiated agreement, immediately terminate such schedule and such termination shall not be subject to negotiation or to administrative review (except as the President may provide) or to judicial review.

"(2) If a schedule established pursuant to a negotiated agreement is terminated under paragraph (1), either the agency or the exclusive representative concerned may, by written notice to the other party within 90 days after the date of such termination, initiate collective bargaining pertaining to the establishment of another flexible or compressed work schedule under subchapter II of chapter 61 of title 5, United States Code [subchapter II of this chapter], which would be effective for the unexpired portion of the term of the negotiated agreement."

Notes of Decisions

Administrative work week 5

5. Administrative work week

The 7–2, 7–2, 7–3 work schedule of security guards at Army's arsenal, under which they had work shifts of seven consecutive days, did not violate statute stating that agency heads shall require that hours of work within administrative workweek be performed within a period of not more than six of any seven consecutive days, since the hours of work within each administrative workweek were limited to no more than six consecutive days. Sanford v. Weinberger, C.A.Fed. 1985, 752 F.2d 636.

§ 6103. Holidays

(a) The following are legal public holidays:

New Year's Day, January 1.

Birthday of Martin Luther King, Jr., the third Monday in January.

[See main volume for text of remainder of (a); (b) and (c)]

(As amended Pub.L. 98–144, § 1, Nov. 2, 1983, 97 Stat. 917.)

1983 Amendment. Pub.L. 98–144 added item relating to the birthday of Martin Luther King, Jr., the third Monday in January.

Effective Date of 1983 Amendment. Section 2 of Pub.L. 98–144 provided that: "The amendment made by the first section of this Act [amending this section] shall take effect on the first January 1 that occurs after the two-year period following the date of the enactment of this Act [Nov. 2, 1983]."

Federal Practice and Procedure

District courts' and clerks' functions, see Wright & Miller: Civil § 3081 et seq.

Mechanics of computing time, see Wright & Miller: Civil § 1162.

Law Review Commentaries

Nurturing American public theology. L. Martin Nussbaum, 16 Cumb.L.Rev. 53 (1985–86).

Notes of Decisions

2. Entities and persons subject to section

Employees stationed in City of Fairfax, Virginia could properly be allowed holiday premium pay, since they were entitled to Presidential inaugural holiday authorized by subsec. (c) of this section. 1985, 64 Op.Comp.Gen. 679.

Although employees are entitled to premium pay pursuant to subsec. (b) of this section, agencies nevertheless have discretion to grant such employees administrative leave, in accordance with rules delineated thereunder. 1984, 63 Op.Comp.Gen. 306.

§ 6104. Holidays; daily, hourly, and piece-work basis employees

Legislative History. For legislative history and purpose of Pub.L. 96–54, see 1979 U.S. Code Cong. and Adm. News, p. 931.

§ 6106. Time clocks; restrictions

A recording clock may not be used to record time of an employee of an Executive department in the District of Columbia, except that the Bureau of Engraving and Printing may use such recording clocks.

(As amended Pub.L. 97–221, § 6(a), July 23, 1982, 96 Stat. 234.)

1982 Amendment. Pub.L. 97–221 substituted "District of Columbia, except that the Bureau of Engraving and Printing may use such recording clocks" for "District of Columbia".

Effective Date of 1982 Amendment. Section 6(b) of Pub.L. 97–221 provided that: "The amendment made by this section [amending this section] shall take effect October 1, 1982. Section 5 of this Act [set out in the Termination Date of 1982 Amendment note under section 6101 of this title] shall not apply to the amendment made by this section."

Legislative History. For legislative history and purpose of Pub.L. 97–221, see 1982 U.S. Code Cong. and Adm. News, p. 565.

SUBCHAPTER II—FLEXIBLE AND COMPRESSED WORK SCHEDULES

1982 Amendment. Pub.L. 97–221, § 2(a)(2), July 23, 1982, 96 Stat. 227, added subchapter II heading as part of the enactment of sections 6120 to 6133 of this title. Section 5 of Pub.L. 97–221, as amended by 99–69, July 22, 1985, 99 Stat. 167; Pub.L. 99–109, Sept. 30, 1985, 99 Stat. 482; Pub.L. 99–140, Oct. 31, 1985, 99 Stat. 563, which provided that amendments by Pub.L. 97–221 shall not be in effect after Dec. 31, 1985 was repealed by Pub.L. 99–190, § 140, Dec. 19, 1985, 99 Stat. 1324.

§ 6120. Purpose

The Congress finds that the use of flexible and compressed work schedules has the potential to improve productivity in the Federal Government and provide greater service to the public.

(Added Pub.L. 97–221, § 2(a)(2), July 23, 1982, 96 Stat. 227.)

Termination Date. Section 5 of Pub.L. 97–221, as amended, which provided that this section was not to be in effect after Dec. 31, 1985, was repealed by Pub.L. 99–190, § 140, Dec. 19, 1985, 99 Stat. 1324.

Legislative History. For legislative history and purpose of Pub.L. 97–221, see 1982 U.S. Code Cong. and Adm. News, p. 565.

§ 6121. Definitions

For purposes of this subchapter—

(1) "agency" means any Executive agency, any military department, and the Library of Congress;

(2) "employee" has the meaning given it by section 2105 of this title;

(3) "basic work requirement" means the number of hours, excluding overtime hours, which an employee is required to work or is required to account for by leave or otherwise;

(4) "credit hours" means any hours, within a flexible schedule established under section 6122 of this title, which are in excess of an employee's basic work requirement and which the employee elected to work so as to vary the length of a workweek or a workday;

(5) "compressed schedule" means—

(A) in the case of a full-time employee, an 80-hour biweekly basic work requirement which is scheduled for less than 10 workdays, and

(B) in the case of a part-time employee, a biweekly basic work requirement of less than 80 hours which is scheduled for less than 10 workdays;

(6) "overtime hours", when used with respect to flexible schedule programs under sections 6122 through 6126 of this title, means all hours in excess of 8 hours in a day or 40 hours in a week which are officially ordered in advance, but does not include credit hours;

(7) "overtime hours", when used with respect to compressed schedule programs under sections 6127 and 6128 of this title, means any hours in excess of those specified hours which constitute the compressed schedule; and

(8) "collective bargaining", "collective bargaining agreement", and "exclusive representative" have the same meanings given such terms—

(A) by section 7103(a)(12), (8), and (16) of this title, respectively, in the case of any unit covered by chapter 71 of this title; and

(B) in the case of any other unit, by the corresponding provisions applicable under the personnel system covering this unit.

(Added Pub.L. 97–221, § 2(a)(2), July 23, 1982, 96 Stat. 227.)

Termination Date. Section 5 of Pub.L. 97–221, as amended, which provided that this section was not to be in effect after Dec. 31, 1985, was repealed by Pub.L. 99–190, § 140, Dec. 19, 1985, 99 Stat. 1324.

Legislative History. For legislative history and purpose of Pub.L. 97–221, see 1982 U.S. Code Cong. and Adm. News, p. 565.

§ 6122. Flexible schedules; agencies authorized to use

(a) Notwithstanding section 6101 of this title, each agency may establish, in accordance with this subchapter, programs which allow the use of flexible schedules which include—

(1) designated hours and days during which an employee on such a schedule must be present for work; and

(2) designated hours during which an employee on such a schedule may elect the time of such employee's arrival at and departure from work, solely for such purpose or, if and to the extent permitted, for the purpose of accumulating credit hours to reduce the length of the workweek or another workday.

An election by an employee referred to in paragraph (2) shall be subject to limitations generally prescribed to ensure that the duties and requirements of the employee's position are fulfilled.

(b) Notwithstanding any other provision of this subchapter, but subject to the terms of any written agreement referred to in section 6130(a) of this title, if the head of an agency determines that any organization within the agency which is participating in a program under subsection (a) is being substantially disrupted in carrying out its functions or is incurring additional costs because of such participation, such agency head may—

(1) restrict the employees' choice of arrival and departure time,

(2) restrict the use of credit hours, or

(3) exclude from such program any employee or group of employees.

(Added Pub.L. 97–221, § 2(a)(2), July 23, 1982, 96 Stat. 228.)

Termination Date. Section 5 of Pub.L. 97–221, as amended, which provided that this section was not to be in effect after Dec. 31, 1985, was repealed by Pub.L. 99–190, § 140, Dec. 19, 1985, 99 Stat. 1324.

Legislative History. For legislative history and purpose of Pub.L. 97–221, see 1982 U.S. Code Cong. and Adm. News, p. 565.

Library References

United States ⇐40.

C.J.S. United States §§ 38 to 40.

§ 6123. Flexible schedules; computation of premium pay

(a) For purposes of determining compensation for overtime hours in the case of an employee participating in a program under section 6122 of this title—

(1) the head of an agency may, on request of the employee, grant the employee compensatory time off in lieu of payment for such overtime hours, whether or not irregular or occasional in nature and notwithstanding the provisions of sections 5542(a), 5543(a), [illegible] of this title, section 4107(e)(5) of title 38, section 7 of the Fair Labor Standards Act (29 U.S.C. 207), or any other provision of law; or

(2) the employee shall be compensated for such overtime hours in accordance with such provisions, as applicable.

(b) Notwithstanding the provisions of law referred to in subsection (a)(1) of this section, an employee shall not be entitled to be compensated for credit hours worked except to the extent authorized under section 6126 of this title or to the extent such employee is allowed to have such hours taken into account with respect to the employee's basic work requirement.

(c)(1) Notwithstanding section 5545(a) of this title, premium pay for nightwork will not be paid to an employee otherwise subject to such section solely because the employee elects to work credit hours, or elects a time of arrival or departure, at a time of day for which such premium pay is otherwise authorized, except that—

(A) if an employee is on a flexible schedule under which—

(i) the number of hours during which such employee must be present for work, plus

(ii) the number of hours during which such employee may elect to work credit hours or elect the time of arrival at and departure from work, which occur outside of the nightwork hours designated in or under such section 5545(a) total less than 8 hours, such premium pay shall be paid for those hours which, when combined with such total, do not exceed 8 hours, and

(B) if an employee is on a flexible schedule under which the hours that such employee must be present for work include any hours designated in or under such section 5545(a), such premium pay shall be paid for such hours so designated.

(2) Notwithstanding section 5343(f) of this title, and section 4107(e)(2) of title 38, night differential will not be paid to any employee otherwise subject to either of such sections solely because such employee elects to work credit hours, or elects a time of arrival or departure, at a time of day for which night differential is otherwise authorized, except that such differential shall be paid to an employee on a flexible schedule under this subchapter—

(A) in the case of an employee subject to subsection (f) of such section 5343, for which all or a majority of the hours of such schedule for any day fall between the hours specified in such subsection, or

(B) in the case of an employee subject to subsection (e)(2) of such section 4107, for which 4 hours of such schedule fall between the hours specified in such subsection.

(Added Pub.L. 97–221, § 2(a)(2), July 23, 1982, 96 Stat. 228.)

References in Text. Section 7 of the Fair Labor Standards Act, referred to in subsec. (a)(1), is section 7 of Act June 25, 1938, c. 676, 52 Stat. 1063, which is classified to section 207 of Title 29, Labor.

Termination Date. Section 5 of Pub.L. 97–221, as amended, which provided that this section was not to be in effect after Dec. 31, 1985, was repealed by Pub.L. 99–190, § 140, Dec. 19, 1985, 99 Stat. 1324.

Legislative History. For legislative history and purpose of Pub.L. 97–221, see 1982 U.S. Code Cong. and Adm. News, p. 565.

Library References

United States ⇐39(5).

C.J.S. United States §§ 17, 46.

§ 6124. Flexible schedules; holidays

Notwithstanding sections 6103 and 6104 of this title, if any employee on a flexible schedule under section 6122 of this title is relieved or prevented from working on a day designated as a holiday by Federal statute or Executive order, such employee is entitled to pay with respect to that day for 8 hours (or, in the case of a parttime employee, an appropriate portion of the employee's biweekly basic work requirement as determined under regulations prescribed by the Office of Personnel Management).

(Added Pub.L. 97–221, § 2(a)(2), July 23, 1982, 96 Stat. 229.)

Termination Date. Section 5 of Pub.L. 97–221, as amended, which provided that this section was not to be in effect after Dec. 31, 1985, was

repealed by Pub.L. 99-190, § 140, Dec. 19, 1985, 99 Stat. 1324.

Legislative History. For legislative history and purpose of Pub.L. 97-221, see 1982 U.S. Code Cong. and Adm. News, p. 565.

§ 6125. Flexible schedules; time-recording devices

Notwithstanding section 6106 of this title, the Office of Personnel Management or any agency may use recording clocks as part of programs under section 6122 of this title.

(Added Pub.L. 97-221, § 2(a)(2), July 23, 1982, 96 Stat. 229.)

Termination Date. Section 5 of Pub.L. 97-221, as amended, which provided that this section was not to be in effect after Dec. 31, 1985, was repealed by Pub.L. 99-190, § 140, Dec. 19, 1985, 99 Stat. 1324.

Legislative History. For legislative history and purpose of Pub.L. 97-221, see 1982 U.S. Code Cong. and Adm. News, p. 565.

§ 6126. Flexible schedules; credit hours; accumulation and compensation

(a) Subject to any limitation prescribed by the Office of Personnel Management or the agency, a full-time employee on a flexible schedule can accumulate not more than 24 credit hours, and a part-time employee can accumulate not more than one-fourth of the hours in such employee's biweekly basic work requirement, for carryover from a biweekly pay period to a succeeding biweekly pay period for credit to the basic work requirement for such period.

(b) Any employee who is on a flexible schedule program under section 6122 of this title and who is no longer subject to such a program shall be paid at such employee's then current rate of basic pay for—

(1) in the case of a full-time employee, not more than 24 credit hours accumulated by such employee, or

(2) in the case of a part-time employee, the number of credit hours (not in excess of one-fourth of the hours in such employee's biweekly basic work requirement) accumulated by such employee.

(Added Pub.L. 97-221, § 2(a)(2), July 23, 1982, 96 Stat. 230.)

Termination Date. Section 5 of Pub.L. 97-221, as amended, which provided that this section was not to be in effect after Dec. 31, 1985, was repealed by Pub.L. 99-190, § 140, Dec. 19, 1985, 99 Stat. 1324.

Legislative History. For legislative history and purpose of Pub.L. 97-221, see 1982 U.S Code Cong. and Adm. News, p. 565.

§ 6127. Compressed schedules; agencies authorized to use

(a) Notwithstanding section 6101 of this title, each agency may establish programs which use a 4-day workweek or other compressed schedule.

(b)(1) An employee in a unit with respect to which an organization of Government employees has not been accorded exclusive recognition shall not be required to participate in any program under subsection (a) unless a majority of the employees in such unit who, but for this paragraph, would be included in such program have voted to be so included.

(2) Upon written request to any agency by an employee, the agency, if it determines that participation in a program under subsection (a) would impose a personal hardship on such employee, shall—

(A) except such employee from such program; or

(B) reassign such employee to the first position within the agency—

(i) which becomes vacant after such determination,

(ii) which is not included within such program,

(iii) for which such employee is qualified, and

(iv) which is acceptable to the employee.

A determination by an agency under this paragraph shall be made not later than 10 days after the day on which a written request for such determination is received by the agency.

(Added Pub.L. 97-221, § 2(a)(2), July 23, 1982, 96 Stat. 230.)

Termination Date. Section 5 of Pub.L. 97-221, as amended, which provided that this section was not to be in effect after Dec. 31, 1985, was repealed by Pub.L. 99-190, § 140, Dec. 19, 1985, 99 Stat. 1324.

Legislative History. For legislative history and purpose of Pub.L. 97-221, see 1982 U.S. Code Cong. and Adm. News, p. 565.

Library References
United States ⇐40.
C.J.S. United States §§ 38 to 40.

§ 6128. Compressed schedules; computation of premium pay

(a) The provisions of sections 5542(a), 5544(a), and 5550(2) of this title, section 4107(e)(5) of title 38, section 7 of the Fair Labor Standards Act (29 U.S.C. 207), or any other law, which relate to premium pay for overtime work, shall not apply to the hours which constitute a compressed schedule.

(b) In the case of any full-time employee, hours worked in excess of the compressed schedule shall be overtime hours and shall be paid for as provided by the applicable provisions referred to in subsection (a) of this section. In the case of any part-time employee on a compressed schedule, overtime pay shall begin to be paid after the same number of hours of work after which a full-time employee on a similar schedule would begin to receive overtime pay.

(c) Notwithstanding section 5544(a), 5546(a), or 5550(1) of this title, or any other applicable provision of law, in the case of any full-time employee on a compressed schedule who performs work (other than overtime work) on a tour of duty for any workday a part of which is performed on a Sunday, such employee is entitled to pay for work performed during the entire tour of duty at the rate of such employee's basic pay, plus premium pay at a rate equal to 25 percent of such basic pay rate.

(d) Notwithstanding section 5546(b) of this title, an employee on a compressed schedule who performs work on a holiday designated by Federal statute or Executive order is entitled to pay at the rate of such employee's basic pay, plus premium pay at a rate equal to such basic pay rate, for such work which is not in excess of the basic work requirement of such employee for such day. For hours worked on such a holiday in excess of the basic work requirement for such day, the employee is entitled to premium pay in accordance with the provisions of section 5542(a) or 5544(a) of this title, as applicable, or the provisions of section 7 of the Fair Labor Standards Act (29 U.S.C. 207) whichever provisions are more beneficial to the employee.

(Added Pub.L. 97-221, § 2(a)(2), July 23, 1982, 96 Stat. 230.)

References in Text. Section 7 of the Fair Labor Standards Act, referred to in subsecs. (a) and (d), is section 7 of Act June 25, 1938, c. 676, 52 Stat. 1063, which is classified to section 207 of Title 29, Labor.

Termination Date. Section 5 of Pub.L. 97-221, as amended, which provided that this section was not to be in effect after Dec. 31, 1985, was repealed by Pub.L. 99-190, § 140, Dec. 19, 1985, 99 Stat. 1324.

Legislative History. For legislative history and purpose of Pub.L. 97-221, see 1982 U.S. Code Cong. and Adm. News, p. 565.

Library References
United States ⇐39(5).
C.J.S. United States §§ 17, 46.

§ 6129. Administration of leave and retirement provisions

For purposes of administering sections 6303(a), 6304, 6307(a) and (c), 6323, 6326, and 8339(m) of this title, in the case of an employee who is in any program under this subchapter, references to a day or workday (or to multiples or parts thereof) contained in such sections shall be considered to be references to 8 hours (or to the respective multiples or parts thereof).

(Added Pub.L. 97-221, § 2(a)(2), July 23, 1982, 96 Stat. 231.)

Termination Date. Section 5 of Pub.L. 97-221, as amended, which provided that this section was not to be in effect after Dec. 31, 1985, was repealed by Pub.L. 99-190, § 140, Dec. 19, 1985, 99 Stat. 1324.

Legislative History. For legislative history and purpose of Pub.L. 97-221, see 1982 U.S. Code Cong. and Adm. News, p. 565.

§ 6130. Application of programs in the case of collective bargaining agreements

(a)(1) In the case of employees represented by an exclusive representative, any flexible or compressed work schedule, and the establishment and termi-

nation of any such schedule, shall be subject to the provisions of this subchapter and the terms of a collective bargaining agreement between the agency and the exclusive representative.

(2) Employees within a unit represented by an exclusive representative shall not be included within any program under this subchapter except to the extent expressly provided under a collective bargaining agreement between the agency and the exclusive representative.

(b) An agency may not participate in a flexible or compressed schedule program under a collective bargaining agreement which contains premium pay provisions which are inconsistent with the provisions of section 6123 or 6128 of this title, as applicable.

(Added Pub.L. 97-221, § 2(a)(2), July 23, 1982, 96 Stat. 231.)

Termination Date. Section 5 of Pub.L. 97-221, as amended, which provided that this section was not to be in effect after Dec. 31, 1985, was repealed by Pub.L. 99-190, § 140, Dec. 19, 1985, 99 Stat. 1324.

Legislative History. For legislative history and purpose of Pub.L. 97-221, see 1982 U.S. Code Cong. and Adm. News, p. 565.

§ 6131. Criteria and review

(a) Notwithstanding the preceding provisions of this subchapter or any collective bargaining agreement and subject to subsection (c) of this section, if the head of an agency finds that a particular flexible or compressed schedule under this subchapter has had or would have an adverse agency impact, the agency shall promptly determine not to—

(1) establish such schedule; or

(2) continue such schedule, if the schedule has already been established.

(b) For purposes of this section, "adverse agency impact" means—

(1) a reduction of the productivity of the agency;

(2) a diminished level of services furnished to the public by the agency; or

(3) an increase in the cost of agency operations (other than a reasonable administrative cost relating to the process of establishing a flexible or compressed schedule).

(c)(1) This subsection shall apply in the case of any schedule covering employees in a unit represented by an exclusive representative.

(2)(A) If an agency and an exclusive representative reach an impasse in collective bargaining with respect to an agency determination under subsection (a)(1) not to establish a flexible or compressed schedule, the impasse shall be presented to the Federal Service Impasses Panel (hereinafter in this section referred to as the "Panel").

(B) The Panel shall promptly consider any case presented under subparagraph (A), and shall take final action in favor of the agency's determination if the finding on which it is based is supported by evidence that the schedule is likely to cause an adverse agency impact.

(3)(A) If an agency and an exclusive representative have entered into a collective bargaining agreement providing for use of a flexible or compressed schedule under this subchapter and the head of the agency determines under subsection (a)(2) to terminate a flexible or compressed schedule, the agency may reopen the agreement to seek termination of the schedule involved.

(B) If the agency and exclusive representative reach an impasse in collective bargaining with respect to terminating such schedule, the impasse shall be presented to the Panel.

(C) The Panel shall promptly consider any case presented under subparagraph (B), and shall rule on such impasse not later than 60 days after the date the Panel is presented the impasse. The Panel shall take final action in favor of the agency's determination to terminate a schedule if the finding on which the determination is based is supported by evidence that the schedule has caused an adverse agency impact.

(D) Any such schedule may not be terminated until—

(i) the agreement covering such schedule is renegotiated or expires or terminates pursuant to the terms of that agreement; or

(ii) the date of the Panel's final decision, if an impasse arose in the reopening of the agreement under subparagraph (A) of this paragraph.

(d) This section shall not apply with respect to flexible schedules that may be established without regard to the authority provided under this subchapter.

(Added Pub.L. 97-221, § 2(a)(2), July 23, 1982, 96 Stat. 231.)

Termination Date. Section 5 of Pub.L. 97-221, as amended, which provided that this section was not to be in effect after Dec. 31, 1985, was repealed by Pub.L. 99-190, § 140, Dec. 19, 1985, 99 Stat. 1324.

Legislative History. For legislative history and purpose of Pub.L. 97-221, see 1982 U.S. Code Cong. and Adm. News, p. 565.

§ 6132. Prohibition of coercion

(a) An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with—

(1) such employee's rights under sections 6122 through 6126 of this title to elect a time of arrival or departure, to work or not to work credit hours, or to request or not to request compensatory time off in lieu of payment for overtime hours; or

(2) such employee's right under section 6127(b)(1) of this title to vote whether or not to be included within a compressed schedule program or such employee's right to request an agency determination under section 6127(b)(2) of this title.

(b) For the purpose of subsection (a), the term "intimidate, threaten, or coerce" includes, but is not limited to, promising to confer or conferring any benefit (such as appointment, promotion, or compensation), or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

(Added Pub.L. 97-221, § 2(a)(2), July 23, 1982, 96 Stat. 232.)

Termination Date. Section 5 of Pub.L. 97-221, as amended, which provided that this section was not to be in effect after Dec. 31, 1985, was repealed by Pub.L. 99-190, § 140, Dec. 19, 1985, 99 Stat. 1324.

Legislative History. For legislative history and purpose of Pub.L. 97-221, see 1982 U.S. Code Cong. and Adm. News, p. 565.

Library References

Labor Relations ⇐395.1.

C.J.S. Labor Relations §§ 341, 346.

§ 6133. Regulations; technical assistance; program review

(a) The Office of Personnel Management shall prescribe regulations necessary for the administration of the programs established under this subchapter.

(b)(1) The Office shall provide educational material, and technical aids and assistance, for use by an agency in connection with establishing and maintaining programs under this subchapter.

(2) In order to provide the most effective materials, aids, and assistance under paragraph (1), the Office shall conduct periodic reviews of programs established by agencies under this subchapter particularly insofar as such programs may affect—

(A) the efficiency of Government operations;

(B) mass transit facilities and traffic;

(C) levels of energy consumption;

(D) service to the public;

(E) increased opportunities for full-time and part-time employment; and

(F) employees' job satisfaction and nonworklife.

(c) With respect to employees in the Library of Congress, the authority granted to the Office of Personnel Management under this subchapter shall be exercised by the

(Added Pub.L. 97-221, § 2(a)(2), July 23, 1982, 96 Stat. 233.)

d. Limitations. (1) An agency shall not abolish any position occupied by an employee in order to make the duties of such position available to be performed on a part-time career employment basis (5 U.S.C. 3403(a)). This does not preclude permitting a full-time employee to voluntarily change to a part-time schedule.

(2) Any person who is employed on a full-time basis shall not be required to accept part-time employment as a condition of continued employment (5 U.S.C. 3403(b)). This limitation does not preclude offering a part-time vacancy to a full-time employee in lieu of RIF separation.

e. Evaluation and reporting. The Act requires an agency to provide for continuing review and evaluation of its part-time employment program. This may be accomplished by including a review of part-time employment as part of internal personnel management evaluations. The Act also requires an agency to report progress under the Act to the Office of Personnel Management twice yearly. Reports are due May 15 for the period October 1–March 31 and November 15 for the period April 1–September 30. One report covering all agency components shall be submitted to the Office of Personnel Management, Staffing Group, Office of Policy Analysis and Development, 1900 E Street, N.W., Washington, D.C. 20415.

Reports shall contain:

—Description of agency progress in meeting part-time employment goals established under 5 U.S.C. 3402. Identify the annual agencywide goal set for establishing or converting (additional) part-time positions and the percentage of the goal achieved as of the end of the reporting period.

—Explanation of any impediments encountered in meeting such goals or otherwise carrying out the provisions of the Act and a description of the measures taken to overcome such impediments.

—Information on the extent to which opportunities for part-time employment have been extended to students and parents with family responsibilities. OPM will continue to compile data from the Central Personnel Data File (CPDF) on the extent to which opportunities for part-time employment have been extended to other groups mentioned in section 2 of the Act, i.e., handicapped and older individuals.

—Copies of any agencywide regulations or instructions on part-time employment issued during the 6-month period covered by the report.

1–4. WORK SCHEDULE/TOUR OF DUTY

a. Regular schedule. To be considered part time for purposes of this subchapter, an employee must have a regular schedule, set in advance, of at least 1 hour in each administrative workweek in each biweekly pay period except as provided in 5 CFR 610.111(d) for employees on flexible and compressed work schedules.

b. Tour of duty. A tour of duty consists of the hours of a day and the days of an administrative workweek that constitute an employee's regularly scheduled workweek. The tour of duty for a part-time employee must be no less than 16 and no more than 32 hours per week except as provided in section 1–2. The tour of duty for a part-time employee on a flexible or compressed work schedule (see FPM chapter 610) may be set on the basis of from 32 to 64 hours per pay period. A tour of duty is documented on the SF 50, Notification of Personnel Action.

c. New or changed tour of duty. Agencies may establish a new tour of duty for a part-time employee or temporarily change a current tour to meet the needs of the office or the employee. A change must be made in advance of the administrative workweek in which the change is to occur and must be approved by an authorizing official. (See FPM supplement 296–33, subchapter 24, for information on when an SF 50 is required.) An increase in the tour of duty above 32 hours per week is not permitted for more than two consecutive pay periods in keeping with congressional intent to limit regular part-time work schedules to no more than 32 hours per week.

d. Change to full-time work schedule. It is contrary to merit principles to appoint an individual to work part time with the intent to convert the employee to full time after a brief interval. Unexpected increases in workload may, however, require an agency to change the work schedule of a part-time employee to full time on either a short term (i.e., not to exceed a certain date) or permanent basis. If the change would be a hardship to the employee, for example, by affecting the employee's health or disrupting school or child care arrangements, the agency should first determine if there are other ways to accomplish the added work within available resources. If the change is temporary, the not-to-exceed date should be specified in the SF-50 remarks.

e. Part-time employment before April 8, 1979. An individual who has been employed on a part-time permanent basis *without a break in part-time service*

Part-timers & alternative work schedules -
Other references - 5 U.S.C. 6121, FPM Supplement 990-2, Book 620, Subchapter 3-1, HN 20-1008 dated 30 Sept. 1981.

pay period beginning after July 4, 1982 [see section 306 of this note below].

[See main volume for text of sections 203 to 306]

Termination Date of 1982 Amendment. Pub.L. 97–221, § 5, July 23, 1982, 96 Stat. 234, as amended Pub.L. 99–69, July 22, 1985, 99 Stat. 167; Pub.L. 99–109, Sept. 30, 1985, 99 Stat. 482; Pub.L. 99–140, Oct. 31, 1985, 99 Stat. 563, which had provided that enactment of subchapter II of this chapter (sections 6120 to 6133 of this title), amendment of sections 3401 and 6106 of this title, and enactment of provisions set out as notes under this section and section 6106 of this title, should not be in effect after Dec. 31, 1985, was repealed by Pub.L. 99–196, Dec. 23, 1985, 99 Stat. 1350.

Short Title of 1982 Amendment. Pub.L. 97–221, § 1, July 23, 1982, 96 Stat. 227, provided: "That this Act [enacting subchapter II of this chapter, amending sections 3401 and 6106 of this title, and enacting provisions set out as notes under this section and section 6106 of this title] may be cited as the 'Federal Employees Flexible and Compressed Work Schedules Act of 1982'."

Savings Provisions; 1982 Amendment. Pub.L. 97–221, § 4, July 23, 1982, 96 Stat. 234, provided that:

"(a) Except as provided in subsection (b), each flexible or compressed work schedule established by any agency under the Federal Employees Flexible and Compressed Work Schedules Act of 1978 (5 U.S.C. 6101 note) [set out as a note under this section] in existence on the date of enactment of this Act [July 23, 1982] shall be continued by the agency concerned.

"(b)(1) During the 90-day period after the date of the enactment of this Act [July 23, 1982], any flexible or compressed work schedule referred to in subsection (a) may be reviewed by the agency concerned. If, in reviewing the schedule, the agency determines in writing that—

"(A) the schedule has reduced the productivity of the agency or the level of services to the public, or has increased the cost of the agency operations, and

"(B) termination of the schedule will not result in an increase in the cost of the agency operations (other than a reasonable administrative Cost relating to the process of terminating a schedule),

the agency shall, notwithstanding any provision of a negotiated agreement, immediately terminate such schedule and such termination shall not be subject to negotiation or to administrative review (except as the President may provide) or to judicial review.

"(2) If a schedule established pursuant to a negotiated agreement is terminated under paragraph (1), either the agency or the exclusive representative concerned may, by written notice to the other party within 90 days after the date of such termination, initiate collective bargaining pertaining to the establishment of another flexible or compressed work schedule under subchapter II of chapter 61 of title 5, United States Code [subchapter II of this chapter], which would be effective for the unexpired portion of the term of the negotiated agreement."

Notes of Decisions

Administrative work week 5

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5. Administrative work week

The 7–2, 7–2, 7–3 work schedule of security guards at Army's arsenal, under which they had work shifts of seven consecutive days, did not violate statute stating that agency heads shall require that hours of work within administrative workweek be performed within a period of not more than six of any seven consecutive days, since the hours of work within each administrative workweek were limited to no more than six consecutive days. Sanford v. Weinberger, C.A.Fed. 1985, 752 F.2d 636.

§ 6103. Holidays

(a) The following are legal public holidays:

New Year's Day, January 1.

Birthday of Martin Luther King, Jr., the third Monday in January.

[See main volume for text of remainder of (a); (b) and (c)]

(As amended Pub.L. 98–144, § 1, Nov. 2, 1988, 97 Stat. 917.)

1983 Amendment. Pub.L. 98–144 added item relating to the birthday of Martin Luther King, Jr., the third Monday in January.

Effective Date of 1983 Amendment. Section 2 of Pub.L. 98–144 provided that: "The amendment made by the first section of this Act [amending this section] shall take effect on the first January 1 that occurs after the two-year period following the date of the enactment of this Act [Nov. 2, 1983]."

Federal Practice and Procedure

District courts' and clerks' functions, see Wright & Miller: Civil § 3081 et seq.

Mechanics of computing time, see Wright & Miller: Civil § 1162.

Law Review Commentaries

Nurturing American public theology. L. Martin Nussbaum, 16 Cumb.L.Rev. 53 (1985–86).

Notes of Decisions

2. Entities and persons subject to section

Employees stationed in City of Fairfax, Virginia could properly be allowed holiday premium pay, since they were entitled to Presidential inaugural holiday authorized by subsec. (c) of this section. 1985, 64 Op.Comp.Gen. 679.

Although part-time employees are not subject to subsec. (b) of this section, agencies nevertheless have discretion to grant such employees administrative leave, in accordance with rules delineated thereunder. 1984, 63 Op.Comp.Gen. 306.

§ 6104. Holidays; daily, hourly, and piece-work basis employees

Legislative History. For legislative history and purpose of Pub.L. 96–54, see 1979 U.S. Code Cong. and Adm. News, p. 931.

§ 6106. Time clocks; restrictions

A recording clock may not be used to record time of an employee of an Executive department in the District of Columbia, except that the Bureau of Engraving and Printing may use such recording clocks.

(As amended Pub.L. 97–221, § 6(a), July 23, 1982, 96 Stat. 234.)

1982 Amendment. Pub.L. 97–221 substituted "District of Columbia, except that the Bureau of Engraving and Printing may use such recording clocks" for "District of Columbia".

Effective Date of 1982 Amendment. Section 6(b) of Pub.L. 97–221 provided that: "The amendment made by this section [amending this section] shall take effect October 1, 1982. Section 5 of this Act [set out in the Termination Date of 1982 Amendment note under section 6101 of this title] shall not apply to the amendment made by this section."

Legislative History. For legislative history and purpose of Pub.L. 97–221, see 1982 U.S. Code Cong. and Adm. News, p. 565.

SUBCHAPTER II—FLEXIBLE AND COMPRESSED WORK SCHEDULES

1982 Amendment. Pub.L. 97–221, § 2(a)(2), July 23, 1982, 96 Stat. 227, added subchapter II heading as part of the enactment of sections 6120 to 6133 of this title. Section 5 of Pub.L. 97–221, as amended by 99–69, July 22, 1985, 99 Stat. 167; Pub.L. 99–109, Sept. 30, 1985, 99 Stat. 482; Pub.L. 99–140, Oct. 31, 1985, 99 Stat. 563, which provided that amendments by Pub.L. 97–221 shall not be in effect after Dec. 31, 1985 was repealed by Pub.L. 99–190, § 140, Dec. 19, 1985, 99 Stat. 1324.

§ 6120. Purpose

The Congress finds that the use of flexible and compressed work schedules has the potential to improve productivity in the Federal Government and provide greater service to the public.

(Added Pub.L. 97–221, § 2(a)(2), July 23, 1982, 96 Stat. 227.)

Termination Date. Section 5 of Pub.L. 97–221, as amended, which provided that this section was not to be in effect after Dec. 31, 1985, was repealed by Pub.L. 99–190, § 140, Dec. 19, 1985, 99 Stat. 1324.

Legislative History. For legislative history and purpose of Pub.L. 97–221, see 1982 U.S. Code Cong. and Adm. News, p. 565.

§ 6121. Definitions

For purposes of this subchapter—

(1) "agency" means any Executive agency, any military department, and the Library of Congress;

(2) "employee" has the meaning given it by section 2105 of this title;

(3) "basic work requirement" means the number of hours, excluding overtime hours, which an employee is required to work or is required to account for by leave or otherwise;

(4) "credit hours" means any hours, within a flexible schedule established under section 6122 of this title, which are in excess of an employee's basic work requirement and which the employee elected to work so as to vary the length of a workweek or a workday;

(5) "compressed schedule" means—

(A) in the case of a full-time employee, an 80-hour biweekly basic work requirement which is scheduled for less than 10 workdays, and

(B) in the case of a part-time employee, a biweekly basic work requirement which is scheduled for less than 10 workdays;