

§ 752.605

notice of decision shall inform the appointee of his or her appeal rights.

(g) *Hearing.* Under 5 U.S.C. 7543(c), the agency may, in its regulations, provide a hearing in place of or in addition to the opportunity for written and oral reply.

§ 752.605 Appeal rights.

(a) Under 5 U.S.C. 7543(d), a career appointee against whom an action is taken under this subpart is entitled to appeal to the Merit Systems Protection Board.

(b) A limited term or limited emergency appointee who is covered under § 752.601(c)(2) also may appeal an action taken under this subpart to the Merit Systems Protection Board.

§ 752.606 Agency records.

The agency shall maintain copies of the adverse action record items specified in 5 U.S.C. 7543(e) and furnish them upon request as required by that subsection.

PART 754 [RESERVED]

PART 771—AGENCY ADMINISTRATIVE GRIEVANCE SYSTEM

AUTHORITY: 5 U.S.C. 1302, 3301, 3302, 7301; E.O. 9830, 3 CFR 1945–1948 Comp., pp. 606–624; E.O. 11222, 3 CFR 1964–1969 Comp., p. 306.

§ 771.101 Continuation of Grievance Systems.

Each administrative grievance system in operation as of October 11, 1995, that has been established under former regulations under this part must remain in effect until the system is either modified by the agency or replaced with another dispute resolution process.

[60 FR 47040, Sept. 11, 1995]

PART 772—INTERIM RELIEF

Subpart A—General

Sec.

772.101 Basic authority.

772.102 Interim personnel actions.

AUTHORITY: 5 U.S.C. 1302, 3301, 3302, and 7301; Pub. L. 101–12.

5 CFR Ch. I (1–1–03 Edition)

SOURCE: 57 FR 3712, Jan. 31, 1992, unless otherwise noted.

Subpart A—General

§ 772.101 Basic authority.

This part establishes a mechanism for agencies to provide interim relief to employees and applicants for employment who prevail in an initial decision issued by the Merit Systems Protection Board (MSPB) as required by the *Whistleblower Protection Act of 1989*, Pub. L. 101–12 (codified at 5 U.S.C. 7701(b)(2)(A)). The interim relief provisions of the law are applicable whether or not alleged reprisal for whistleblowing is at issue in an appeal to MSPB.

§ 772.102 Interim personnel actions.

When an employee or applicant for employment appeals an action to MSPB and the appeal results in an initial decision by an MSPB administrative judge granting interim relief under 5 U.S.C. 7701(b)(2)(A) and a petition for review of the initial decision is filed (or will be filed) with the full Board under 5 U.S.C. 7701(e)(1)(A), the agency shall provide the relief ordered in the initial decision by taking an interim personnel action subject to the following terms:

(a) Interim personnel actions shall be made effective upon the date of issuance of the initial decision and must be initiated on or before the date of a petition for review by the agency or within a reasonable period after the date it becomes aware of a petition for review by the appellant;

(b) The relief provided by interim personnel actions shall end:

(1) When the full Board issues a final decision on a petition for review filed by an applicant for employment, employee, and/or agency under 5 U.S.C. 7701(e)(1)(A),

(2) When the initial decision becomes final pursuant to an action of the full Board or pursuant to a decision by an applicant for employment, employee, and/or agency to withdraw (or change intentions to file) any petition for review filed under 5 U.S.C. 7701(e)(1)(A), or

(3) When the applicant for employment or employee requests or reaches

agreement with the agency that the interim relief ordered in the initial decision be cancelled;

(c) Interim relief shall entitle the applicant for employment or employee to the same compensation and benefits he or she would receive if the relief effected had not been on an interim basis except as provided in paragraph (f) of this section;

(d) An interim personnel action shall not be taken if the MSPB administrative judge, pursuant to 5 U.S.C. 7701(b)(2)(A)(i), determines that granting interim relief is not appropriate;

(e) An interim personnel action under this part shall not entitle the applicant for employment or employee to an award of back pay or attorney fees.

[57 FR 3712, Jan. 31, 1992, as amended at 59 FR 36353, July 18, 1994; 59 FR 65704, Dec. 21, 1994]

PART 792—FEDERAL EMPLOYEES' HEALTH AND COUNSELING PROGRAMS

Subpart A—Regulatory Requirements for Alcoholism and Drug Abuse Programs and Services for Federal Civilian Employees

Sec.

792.101 Statutory requirements.

792.102 General.

792.103 Coverage.

792.104 Responsibilities of the Office of Personnel Management.

792.105 Agency responsibilities.

Subpart B—Agency Use of Appropriated Funds for Child Care Costs for Lower Income Employees—What is the New Child Care Legislation and to Whom Does It Apply?

792.200 To whom do “we”, “you”, and their variants apply?

792.201 What does the new law permit?

792.202 What is the purpose of the new law?

792.203 Should we notify anyone of our intention to initiate a program and when can the obligation be made?

792.204 Are there sample memoranda and other documents available to assist us with this process?

792.205 Are there additional materials necessary for the implementation of this process and are there any special reporting and oversight requirements related to this law?

792.206 What are the benefits to an agency of providing such assistance to its lower income employees?

792.207 Which agency funds can be used for the purpose of this law?

792.208 Are agencies required to participate in this program?

792.209 How can agencies take advantage of this new law and when does this law become effective?

792.210 What is the definition of Executive agency?

792.211 What is the definition of tuition assistance program?

792.212 What is the definition of civilian employee?

792.213 What is the definition of a Federally sponsored child care center?

792.214 What is the definition of contractor?

792.215 What is the definition of a child?

792.216 What children are eligible for this subsidy?

792.217 What is a disabled child?

792.218 Are children enrolled in summer programs and part-time programs eligible?

792.219 Are part-time Federal employees eligible?

792.220 Does the law apply only to on-site Federal child care centers that are utilized by Federal families?

792.221 What is the process for helping lower income employees with child care tuition?

792.222 Are agencies required to negotiate with their Federal labor organizations about the provisions of this law?

792.223 Are there any conditions which the child care provider must meet in order to participate in this program?

792.224 Is there a statutory cap on the amount or the percentage of child care tuition that will be subsidized? or to an organization that administers our program prior to the time the employee receiving tuition assistance has enrolled his or her child in the child care center or family child care home?

792.225 What is the definition of a lower income Federal employee and how is the amount of the tuition assistance subsidy determined?

792.226 Who determines if a Federal employee qualifies as a lower income employee and how is the program administered?

792.227 Are child care subsidies paid to the Federal employee using the child care?

792.228 May we disburse funds to a child care provider

792.229 How will the disbursement covered by §792.227 work where there is a Federally sponsored child care center in a multi-tenant building?

792.230 For how long will the tuition assistance be in effect for a Federal employee?