CHAPTER 79—SERVICES TO EMPLOYEES

Sec.
7901. Health service programs.
7902. Safety programs.
7903. Protective clothing and equipment.
7904. Employee assistance programs relating to drug abuse and alcohol abuse.
7905. Programs to encourage commuting by means other than single-occupancy motor vehicles.
7906. Services of post-combat case coordinators.

AMENDMENTS


STATE OR LOCAL GOVERNMENT PROGRAMS ENCOURAGING EMPLOYEE USE OF PUBLIC TRANSPORTATION; FEDERAL AGENCY PARTICIPATION


As a result of the preceding proviso, section 629(c)(2) of the 1991 Act is omitted as executed.

In subsection (d), the word "appropriate" in the phrase "appropriate comment and recommendations" is omitted as unnecessary. The words "to the head of the agency concerned" are added for clarity.

In subsection (e), the substance of the definition of "physician" in former section 7901 is substituted for the reference to that section.

In subsection (f), the words "Canal Zone Government" and "Panama Canal Company" are substituted for "Panama Canal" and "Panama Railroad", respectively, on the authority of the Act of Sept. 26, 1950, ch. 1010, 64 Stat. 943, as amended.

The last proviso of the first sentence of the Act of Aug. 8, 1946, is omitted as executed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 7901. Health service programs

(a) The head of each agency of the Government of the United States may establish, within the limits of appropriations available, a health service program to promote and maintain the physical and mental fitness of employees under his jurisdiction.

(b) A health service program may be established by contract or otherwise, but only—

(1) after consultation with the Secretary of Health, Education, and Welfare and consideration of its recommendations; and

(2) in localities where there are a sufficient number of employees to warrant the provision of the service.

(c) A health service program is limited to—

(1) treatment of on-the-job illness and dental conditions requiring emergency attention;

(2) unemployment and other examinations;

(3) referral of employees to private physicians and dentists; and

(4) preventive programs relating to health.

(d) The Secretary of Health, Education, and Welfare, on request, shall review a health service program conducted under this section and shall submit comment and recommendations to the head of the agency concerned.

(e) When this section authorizes the use of the professional services of physicians, that authorization includes the use of the professional services of surgeons and osteopathic practitioners to the extent that they are within the scope of their practice as defined by State law.

(f) The health programs conducted by the Tennessee Valley Authority are not affected by this section.

In subsection (a), the words "agency of the Government of the United States" are coextensive with and substituted for "departments and agencies including Government-owned and controlled corporations" to avoid confusion with the definitions in sections 101–105.

In subsection (d) the word "appropriate" in the phrase "appropriate comment and recommendations" is omitted as unnecessary. The words "to the head of the agency concerned" are added for clarity.

In subsection (e), the substance of the definition of "physician" in former section 7901 is substituted for the reference to that section.

In subsection (f), the words "Canal Zone Government" and "Panama Canal Company" are substituted for "Panama Canal" and "Panama Railroad", respectively, on the authority of the Act of Sept. 26, 1950, ch. 1010, 64 Stat. 943.

The last proviso of the first sentence of the Act of Aug. 8, 1946, is omitted as executed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

1967 ACT

This section amends 5 U.S.C. 7901 to reflect 1966 Reorganization Plan No. 2, effective June 25, 1966, 80 Stat. 1610, section 1 of which transferred all functions of the Public Health Service to the Secretary of Health, Education, and Welfare.

AMENDMENTS

1996—Subsec. (f). Pub. L. 104–201 amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: "The health programs conducted by the following agencies are not affected by this section—

"(1) the Tennessee Valley Authority;

"(2) the Canal Zone Government; and

"(3) the Panama Canal Company."

CHANGE OF NAME

Secretary of Health, Education, and Welfare redesignated Secretary of Health and Human Services by section 3568 of Title 20, Education.

SHORT TITLE OF 1963 AMENDMENT


HISTORICAL AND REVISION NOTES

1967 ACT

Derivation U.S. Code Revised Statutes and Statutes at Large
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In subsection (a), the words "agency of the Government of the United States" are coextensive with and substituted for "departments and agencies including Government-owned and controlled corporations" to avoid confusion with the definitions in sections 101–105.

In subsection (d) the word "appropriate" in the phrase "appropriate comment and recommendations" is omitted as unnecessary. The words "to the head of the agency concerned" are added for clarity.

In subsection (e), the substance of the definition of "physician" in former section 7901 is substituted for the reference to that section.

In subsection (f), the words "Canal Zone Government" and "Panama Canal Company" are substituted for "Panama Canal" and "Panama Railroad", respectively, on the authority of the Act of Sept. 26, 1950, ch. 1010, 64 Stat. 943.

The last proviso of the first sentence of the Act of Aug. 8, 1946, is omitted as executed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.
§ 7902. Safety programs

(a) For the purpose of this section—
(1) "employee" means an employee as defined by section 8101 of this title; and
(2) "agency" means an agency in any branch of the Government of the United States (not including the United States Postal Service), including an instrumentality wholly owned by the United States, and the government of the District of Columbia.

(b) The Secretary of Labor shall carry out a safety program under section 941(b)(1) of title 33 covering the employment of each employee of an agency.

(c) The President may—
(1) establish by Executive order a safety council composed of representatives of the agencies and of labor organizations representing employees to serve as an advisory body to the Secretary in furtherance of the safety program carried out by the Secretary under subsection (b) of this section; and
(2) undertake such other measures as he considers proper to prevent injuries and accidents to employees of the agencies.

(d) The head of each agency shall develop and support organized safety promotion to reduce accidents and injuries among employees of his agency, encourage safe practices, and eliminate work hazards and health risks.

(e) Each agency shall—
(1) keep a record of injuries and accidents to its employees whether or not they result in loss of time or in the payment or furnishing of benefits; and
(2) make such statistical or other reports on such forms as the Secretary may prescribe by regulation.


HISTORICAL AND REVISION NOTES

Subsection (a) is added on authority of former sections 790(b) and 794 (1st sentence), which are carried into section 8101.

The words "Secretary of Labor" and "Secretary" are substituted for "Administrator" on authority of sections 790(b) and 794 (1st sentence), which are carried into section 8101.

The words "in furtherance of the safety program carried out by the Secretary pursuant to this section" in former section 784(c).

Subsection (d), the word "foster" is omitted as included in "develop and support" and "reduce compensable injuries" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS


EXECUTIVE ORDER No. 10990


EXECUTIVE ORDER No. 11612


EXECUTIVE ORDER No. 11807


EXECUTIVE ORDER No. 12196


By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 7902(c) of Title 5 of the United States Code and in accord with Section 19 of the Occupational Safety and Health Act of 1970, as amended (29 U.S.C. 687), it is ordered:

1–1. SCOPE OF THIS ORDER

1–101. This order applies to all agencies of the Executive Branch except military personnel and uniquely military equipment, systems, and operations.

1–102. For the purposes of this order, the term "agency" means an Executive department, as defined in 5 U.S.C. 101, or any employing unit or authority of the Federal government, other than those of the judicial and legislative branches. Since section 19 (29 U.S.C. 688) of the Occupational Safety and Health Act ("the Act") (29 U.S.C. 651 et seq.) covers all Federal employees, however, the Secretary of Labor ("the Secretary") shall cooperate and consult with the heads of agencies in the legislative and judicial branches of the government to help them adopt safety and health programs.

1–2. HEADS OF AGENCIES

1–201. The head of each agency shall:

(a) Furnish to employees places and conditions of employment that are free from recognized hazards that