

annual leave accrued by the employee for which payment is to be made under the written leave policy of the employing office; and
 “(2) there are sufficient funds to cover the lump sum payment.

“(b)(1) A lump sum payment under this section shall not exceed the lesser of—

“(A) twice the monthly rate of pay of the employee; or

“(B) the product of the daily rate of pay of the employee and the number of days of accrued annual leave of the employee.

“(2) The Secretary of the Senate shall determine the rates of pay of an employee under paragraph (1)(A) and (B) on the basis of the annual rate of pay of the employee in effect on the date of termination of employment.

“(c) Any payment under this section shall be paid from the appropriation account or fund used to pay the employee.

“(d) If an individual who received a lump sum payment under this section is reemployed as an employee of the Senate before the end of the period covered by the lump sum payment, the individual shall refund an amount equal to the applicable pay covering the period between the date of reemployment and the expiration of the lump sum period. Such amount shall be deposited to the appropriation account or fund used to pay the lump sum payment.

“(e) The Committee on Rules and Administration of the Senate may prescribe regulations to carry out this section.

“(f) In this section, the term—

“(1) ‘employee of the Senate’ means any employee whose pay is disbursed by the Secretary of the Senate, except that the term does not include a member of the Capitol Police or a civilian employee of the Capitol Police; and

“(2) ‘head of the employing office’ means any person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an individual whose pay is disbursed by the Secretary of the Senate.”

§ 60p. Payment for unaccrued leave

(a) In general

The Financial Clerk of the Senate is authorized to accept from an individual whose pay is disbursed by the Secretary of¹ Senate a payment representing pay for any period of unaccrued annual leave used by that individual, as certified by the head of the employing office of the individual making the payment.

(b) Withholding

The Financial Clerk of the Senate is authorized to withhold the amount referred to in subsection (a) of this section from any amount which is disbursed by the Secretary of the Senate and which is due to or on behalf of the individual described in subsection (a) of this section.

(c) Deposit

Any payment accepted under this section shall be deposited in the general fund of the Treasury as miscellaneous receipts.

(d) “Head of the employing office” defined

As used in this section, the term “head of the employing office” means any person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an individual whose pay is disbursed by the Secretary of the Senate.

¹ So in original. Probably should be followed by “the”.

(e) Applicability

This section shall apply to fiscal year 1996 and each fiscal year thereafter.

(Pub. L. 104-197, title I, §9, Sept. 16, 1996, 110 Stat. 2398.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1997, which is title I of the Legislative Branch Appropriations Act, 1997.

§ 60q. Voluntary separation incentive payments

(a) Authority to offer payments

Notwithstanding any other provision of law, the head of any office in the legislative branch may establish a program under which voluntary separation incentive payments may be offered to eligible employees of the office to encourage such employees to separate from service voluntarily (whether by retirement or resignation), in accordance with this section.

(b) Amount and administration of payments

A voluntary separation incentive payment made under this section—

(1) shall be paid in a lump sum after the employee’s separation;

(2) shall be equal to the lesser of—

(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, if the employee were entitled to payment under such section (without adjustment for any previous payment made); or

(B) an amount determined by the head of the office involved, not to exceed \$25,000;

(3) may be made only in the case of an employee who voluntarily separates (whether by retirement or resignation) under this section;

(4) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit;

(5) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5 based on any other separation; and

(6) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

(c) Plan

(1) Plan required for making payments

No voluntary separation incentive payment may be paid under this section with respect to an office unless the head of the office submits a plan described in paragraph (2) to each applicable committee described in paragraph (3), and each applicable committee approves the plan.

(2) Contents of plan

A plan described in this paragraph with respect to an office is a plan containing the following information:

(A) The specific positions and functions to be reduced or eliminated.

(B) A description of which categories of employees will be offered incentives.

(C) The time period during which incentives may be paid.