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5 U.S. Code § 3381 - Training

U.S. Code Notes

(a) An air traffic controller with 5 years of service as a controller who is to be removed as a controller because the Secretary has determined—

- (1)** he is medically disqualified for duties as a controller;
- (2)** he is unable to maintain technical proficiency as a controller; or
- (3)** such removal is necessary for the preservation of the physical or mental health of the controller;

is entitled to not more than the full-time equivalent of 2 years of training.

- (b)** During a period of training under this section, a controller shall be—
- (1)** retained at his last assigned grade and rate of basic pay as a controller;
 - (2)** entitled to each increase in rate of basic pay provided under law; and
 - (3)** excluded from staffing limitations otherwise applicable.

- (c)** Upon completion of training under this section, a controller may be—
- (1)** assigned to other duties in the Executive agency in which the controller is employed;
 - (2)** released for transfer to another Executive agency; or
 - (3)** involuntarily separated from the service.

The involuntary separation of a controller under this subsection is not a removal for cause on charges of misconduct, delinquency, or inefficiency for purposes of section 5595 or section 8336 of this title.

- (d)** The Secretary, without regard to section 3324(a) and (b) of title 31, may pay, or reimburse a controller for, all or part of the necessary expenses of training provided under this section, including expenses authorized to be paid under chapter 41 and subchapter I of chapter 57 of this title, and the costs of other services or facilities directly related to the training of a controller.

- (e)** Except as provided by subsection (d) of this section, the provisions of chapter 41 of this title, other than sections 4105, 4107(a) and (b),^[1] and 4111, shall not apply to training under this section.

- (f)** The provisions of this section shall not otherwise affect the authority of the Secretary to provide training under chapter 41 of this title or under any other provision of law.

(Added Pub. L. 92-297, § 3(a), May 16, 1972, 86 Stat. 142; amended Pub. L. 96-347, § 1(b), (c)(1), Sept. 12, 1980, 94 Stat. 1150; Pub. L. 97-258, § 3(a)(7), Sept. 13, 1982, 96 Stat. 1063; Pub. L. 103-226, § 2(b)(1), Mar. 30, 1994, 108 Stat. 112.)