

38 USC 7422 - Collective bargaining

[Legal Research Home](#) > [US Code](#) > [Veterans' Benefits](#) > 38 USC 7422 - Collective bargaining

Sec. 7422. Collective bargaining

(a) Except as otherwise specifically provided in this title, the authority of the Secretary to prescribe regulations under section 7421 of this title is subject to the right of Federal employees to engage in collective bargaining with respect to conditions of employment through representatives chosen by them in accordance with chapter 71 of title 5 (relating to labor-management relations).

(b) Such collective bargaining (and any grievance procedures provided under a collective bargaining agreement) in the case of employees described in section 7421 (b) of this title may not cover, or have any applicability to, any matter or question concerning or arising out of

(1) professional conduct or competence,

(2) peer review, or

(3) the establishment, determination, or adjustment of employee compensation under this title.

(c) For purposes of this section, the term "professional conduct or competence" means any of the following:

(1) Direct patient care.

(2) Clinical competence.

(d) An issue of whether a matter or question concerns or arises out of

(1) professional conduct or competence,

(2) peer review, or

(3) the establishment, determination, or adjustment of employee compensation under this title shall be decided by the Secretary and is not itself subject to collective bargaining and may not be reviewed by any other agency.

(e) A petition for judicial review or petition for enforcement under section 7123 of title 5 in any case involving employees described in section 7421 (b) of this title or arising out of the applicability of chapter 71 of title 5 to employees in those positions, shall be taken only in the United States Court of Appeals for the District of Columbia Circuit.