



1 tion under this paragraph on the basis that such employee  
2 is subject to reductions—

3 “(A) in accrued leave of any type, or

4 “(B) in pay because of an absence of the  
5 employee and because—

6 “(i) such employee’s accrued leave was ex-  
7 hausted, or

8 “(ii) such employee chose to be absent  
9 without charging the employee’s accrued leave  
10 regardless of the length of the leave or absence for which  
11 such reductions are to be made”.

12 **SEC. 3. EFFECTIVE DATE.**

13 The amendment made by section 2 shall apply to an  
14 employee (described in the amendment) before, on, and  
15 after the date of enactment of this Act unless—

16 (1) an action was brought in a court involving  
17 the application of section 13(a)(1) of the Fair Labor  
18 Standards Act of 1938 (29 U.S.C. 213(a)(1)) to the  
19 employee; and

20 (2) a final judgment has been entered in the ac-  
21 tion on or before the date of enactment of this Act.

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