To provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families.

IN THE SENATE OF THE UNITED STATES

JUNE 15, 2004

Mr. KENNEDY (for himself, Mr. CORZINE, Ms. MIKULSKI, Mrs. MURRAY, Mr. DURBIN, Mr. AKAKA, and Mr. FEINGOLD) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Healthy Families Act”.

5 SEC. 2. FINDINGS.

6 Congress makes the following findings:

7 (1) Working Americans need to take time off

8 for their own health care needs or to perform essen-

9 tial caretaking responsibilities for a wide range of
family members, including, among others, their children, spouse, parents, and parents-in-law, and other children and adults for whom they are caretakers.

(2) Health care needs include preventive health care, diagnostic procedures, medical treatment, and recovery in response to short- and long-term illnesses and injuries.

(3) Providing employees time off to tend to their own health care needs ensures that they will be healthier in the long run. Preventive care helps avoid illnesses and injuries and routine medical care helps detect illnesses early and shorten the duration of illnesses.

(4) When parents are available to care for their children who become sick, the children’s recovery is faster, more serious illnesses are prevented, and the children’s overall mental and physical health is improved. Parents who cannot afford to miss work and must send children with a contagious illness to child care or school contribute to the high rate of infections in child care centers and schools.

(5) Routine medical care results in savings by decreasing medical costs by detecting and treating illness and injury early, decreasing the need for emergency care. These savings benefit public and
private payers of health insurance, including private
businesses.

(6) The provision of individual and family sick
leave by large and small businesses, both here in the
United States and elsewhere, demonstrates that pol-
icy solutions are both feasible and affordable in a
competitive economy. Measures that ensure that em-
ployees are both in good health themselves and do
not need to worry about unmet family health prob-
lems help businesses by promoting productivity and
reducing employee turnover.

(7) The absence of sick leave has forced Ameri-
cans to make untenable choices between needed in-
come and jobs on the one hand and caring for their
own and their family’s health on the other.

(8) The majority of middle income Americans
lack paid leave for self-care or to care for a family
member. Low-income Americans are significantly
worse off. Of the poorest families (the lowest quar-
tile), 76 percent lack regular sick leave. For families
in the next 2 quartiles, 63 percent and 54 percent,
respectively lack regular sick leave. Even in the
highest income quartile, 40 percent of families lack
regular sick leave. Less than ½ of workers who have
paid sick leave can use it to care for ill children.
(9) It is in the national interest to ensure that Americans from all demographic groups can care for their own health and the health of their families while prospering at work.

(10) Due to the nature of the roles of men and women in society, the primary responsibility for family caretaking often falls on women, and such responsibility affects the working lives of women more than it affects the working lives of men.

(11) Although women are still primarily responsible for family caretaking, an increasing number of men are taking on caretaking obligations, and men who request leave time for caretaking purposes are often penalized because of stereotypes that caretaking is only “women’s work”.

(12) Employers’ reliance on persistent stereotypes about the “proper” roles of both men and women in the workplace and in the home hurts both men and women.

(13) Employment standards that apply to only one gender have serious potential for encouraging employers to discriminate against employees and applicants for employment who are of that gender.

**SEC. 3. PURPOSES.**

The purposes of this Act are—
(1) to ensure that all working Americans can address their own health needs and the health needs of their families by requiring employers to provide a minimum level of paid sick leave including leave for family care;

(2) to diminish public and private health care costs by enabling workers to seek early and routine medical care for themselves and their family members;

(3) to accomplish the purposes described in paragraphs (1) and (2) in a manner that is feasible for employers;

(4) to accomplish the purposes described in paragraphs (1) and (2) in a manner that, consistent with the portion of the 14th amendment to the Constitution relating to equal protection of the laws, minimizes the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons on a gender-neutral basis; and

(5) to promote the goal of equal employment opportunity for women and men, pursuant to such clause.

SEC. 4. DEFINITIONS.

In this Act:
(1) CHILD.—The term “child” means a biological, foster, or adopted child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—

   (A) under 18 years of age; or
   
   (B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

(2) EMPLOYEE.—The term “employee” means an individual—

   (A) who is—

   (i)(I) an employee (including an applicant), as defined in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)), who is not covered under clause (v), including such an employee of the Library of Congress, except that a reference in such section to an employer shall be considered to be a reference to an employer described in clauses (i)(I) and (ii) of paragraph (3)(A); or

   (II) an employee (including an applicant) of the General Accounting Office;

   (ii) a State employee (including an applicant) described in section 304(a) of the
Government Employee Rights Act of 1991
(42 U.S.C. 2000e–16c(a));

(iii) a covered employee (including an applicant), as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301);

(iv) a covered employee (including an applicant), as defined in section 411(c) of title 3, United States Code; or

(v) an employee or applicant to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies, other than an employee or applicant of the General Accounting Office or the Library of Congress; and

(B) who, on a year-round basis, regularly works at least 20 hours per week or, in the alternative, at least 1,000 hours per year.

(3) Employer.—

(A) In general.—The term “employer” means a person who is—

(i) an employer (as defined in section 101(4) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(4))), who is not covered under clause (v), includ-
ing the General Accounting Office and the Library of Congress, except that a reference in such section to 50 or more employees shall be considered to be a reference to 15 or more employees;

(II) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991;

(III) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995;

(IV) an employing office, as defined in section 411(c) of title 3, United States Code; or

(V) an entity to which section 717(a) of the Civil Rights Act of 1964 applies, other than the General Accounting Office or the Library of Congress; and

(ii) is engaged in commerce (including government), in the production of goods for commerce, or in an enterprise engaged in commerce (including government) or in the production of goods for commerce.
(B) Predecessors.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

(4) Employment benefits.—The term “employment benefits” has the meaning given the term in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(5) Health care professional.—The term “health care professional” has the meaning given the term “health care provider” in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(6) Parent.—The term “parent” means a biological, foster, or adoptive parent of an employee, a stepparent of an employee, or a legal guardian or other person who stood in loco parentis to an employee when the employee was a child.

(7) Pro rata.—The term “pro rata”, with respect to benefits offered to part-time employees, means the proportion of each of the benefits offered to full-time employees that are offered to part-time employees that, for each benefit, is equal to the ratio of part-time hours worked to full-time hours worked.

(8) Secretary.—The term “Secretary” means the Secretary of Labor.
(9) **Sick Leave.**—The term “sick leave” means an increment of compensated leave provided by an employer to an employee as a benefit of employment for use by the employee during an absence from employment for any of the reasons described in paragraphs (1) through (4) of section 5(d).

(10) **Spouse.**—The term “spouse”, with respect to an employee, has the meaning given such term by the marriage laws of the State in which the employee resides.

**SEC. 5. PROVISION OF PAID SICK LEAVE.**

(a) **In General.**—An employer shall provide for each employee employed by the employer not less than—

(1) 7 days of sick leave with pay annually for employees working 30 or more hours per week; or

(2) a pro rata number of days of sick leave with pay annually for employees working less than—

(A) 30 hours per week on a year-round basis; or

(B) 1,500 hours throughout the year involved.
(b) **Accrual.**—Sick leave provided for under this section shall accrue as determined appropriate by the employer, but not on less than a quarterly basis. Leave may
be used as accrued or may be loaned by the employer to
the employee in advance of accrual by such employee.

(c) Calculation.—

(1) Less than a full workday.—Unless the
employer and employee agree to designate otherwise,
for periods of sick leave that are less than a normal
workday, that leave shall be counted—

(A) on an hourly basis; or

(B) in the smallest increment that the em-
ployer’s payroll system uses to account for ab-
sences or use of leave.

(2) Variable Schedule.—If the schedule of
an employee varies from week to week, a weekly av-
erage of the hours worked over the 12-week period
prior to the beginning of a sick leave period shall be
used to calculate the employee’s normal workweek
for the purpose of determining the amount of sick
leave to which the employee is entitled.

(d) Uses.—Sick leave accrued under this section may
be used by an employee for any of the following:

(1) An absence resulting from a physical or
mental illness, injury, or medical condition of the
employee.

(2) An absence resulting from obtaining profes-
sional medical diagnosis or care, or preventive med-
ical care, for the employee subject to the requirement of subsection (e).

(3) An absence for the purpose of caring for a child, a parent, a spouse, or any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship, who has—

(A) any of the conditions or needs for diagnosis or care described in paragraph (1) or (2); and

(B) in the case of someone who is not a child, is otherwise in need of care.

(e) SCHEDULING.—An employee shall make a reasonable effort to schedule leave under paragraphs (2) and (3) of subsection (d) in a manner that does not unduly disrupt the operations of the employer.

(f) CERTIFICATION.—

(1) IN GENERAL.—Paid sick leave shall be provided upon the oral or written request of an employee. Such request shall—

(A) include a reason for the absence involved and the expected duration of the leave;

(B) for foreseeable leave, be provided at least 7 days in advance of such leave; and
(C) for unforeseeable leave for which advance notice cannot be given, be provided as soon as practicable after the employee is aware of the need to take such leave.

(2) Certification.—

(A) Provision.—

(i) In general.—An employer may require that a request for leave for more than 3 consecutive days be supported by a certification issued by the health care professional of the eligible employee or of an individual described in subsection (d)(3), as appropriate.

(ii) Timeliness.—The employee shall provide a copy of such certification to the employer in a timely manner, not later than 30 days after the first day of the leave. The employer shall not delay the commencement of the leave on the basis that the employer has not yet received the certification.

(B) Sufficient certification.—

(i) In general.—A certification provided under subparagraph (A) shall be sufficient if it states—
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(I) the date on which the leave will be needed;

(II) the probable duration of the leave;

(III) the appropriate medical facts within the knowledge of the health care professional regarding the condition involved, subject to clause (ii); and

(IV)(aa) for purposes of leave under subsection (d)(1), a statement that leave from work is medically necessary;

(bb) for purposes of leave under subsection (d)(2), the dates on which testing for a medical diagnosis or treatment is expected to be given and the duration of such treatment or testing; and

(cc) for purposes of leave under subsection (d)(3), in the case of leave to care for someone who is not a child, a statement that the eligible employee is needed to care for an individual described in such subsection,
and an estimate of the amount of
time that such employee is needed to
care for such individual.

(ii) LIMITATION.—In issuing a certifi-
cation under subparagraph (A), a health
care professional shall make reasonable ef-
forts to limit the medical facts described in
clause (i)(III) that are disclosed in the cer-
tification to the minimum necessary to es-
establish a need for the employee to utilize
paid sick leave.

(C) CONFIDENTIALITY AND NONDISCLO-
sure.—

(i) PROTECTED HEALTH INFORMATION.—Nothing in this Act shall be con-
strued to require a health care professional
to disclose information in violation of sec-
tion 1177 of the Social Security Act (42
U.S.C. 1320d–6) or the regulations pro-
mulgated pursuant to section 264(e) of the
Health Insurance Portability and Account-

(ii) HEALTH INFORMATION

RECORDS.—If an employer possesses
health information about an employee or
an employee’s child, parent, spouse or other individual described in subsection (d)(3), such information shall—

(I) be maintained on a separate form and in a separate file from other personnel information;

(II) be treated as a confidential medical record; and

(III) not be disclosed except to the affected employee or with the permission of the affected employee.

(g) CURRENT LEAVE POLICIES.—

(1) EQUIVALENCY REQUIREMENT.—An employer with a leave policy providing paid leave options shall not be required to modify such policy, if such policy offers an employee the option, at the employee’s discretion, to take paid sick leave that is at least equivalent to the sick leave described in paragraphs (1) and (2) of subsection (a) and subsection (d).

(2) NO ELIMINATION OR REDUCTION OF LEAVE.—An employer may not eliminate or reduce leave in existence on the date of enactment of this Act, regardless of the type of such leave, in order to comply with the provisions of this Act.
SEC. 6. POSTING REQUIREMENT.

(a) In General.—Each employer shall post and keep posted a notice, to be prepared or approved in accordance with procedures specified in regulations issued under section 13, setting forth excerpts from, or summaries of, the pertinent provisions of this Act including—

1. information describing leave available to employees under this Act;
2. information pertaining to the filing of an action under this Act; and
3. the details of the notice requirement for foreseeable leave under section 5(f)(1)(B).

(b) Location.—The notice described under subsection (a) shall be posted—

1. in conspicuous places on the premises of the employer, where notices to employees (including applicants) are customarily posted; or
2. in employee handbooks.

(c) Violation; Penalty.—Any employer who willfully violates the posting requirements of this section shall be subject to a civil fine in an amount not to exceed $100 for each separate offense.

SEC. 7. PROHIBITED ACTS.

(a) Interference With Rights.—

1. Exercise of rights.—It shall be unlawful for any employer to interfere with, restrain, or deny
the exercise of, or the attempt to exercise, any right provided under this Act.

(2) Discrimination.—It shall be unlawful for any employer to discharge or in any other manner discriminate or otherwise retaliate against any individual for opposing any practice made unlawful by this Act.

(b) Interference With Proceedings or Inquiries.—It shall be unlawful for any person to discharge or in any other manner discriminate against any individual because such individual—

(1) has filed an action, or has instituted or caused to be instituted any proceeding, under or related to this Act;

(2) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this Act; or

(3) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this Act.

SEC. 8. INVESTIGATIVE AND ENFORCEMENT AUTHORITY.

(a) Employees Covered by Title I of Family and Medical Leave Act of 1993 or Government Employee Rights Act of 1991.—

(1) Definition.—In this subsection:
(A) the term “employee” means an employee described in clause (i) or (ii) of section 4(2)(A); and

(B) the term “employer” means an employer described in clauses (i)(I) and (ii), or clauses (i)(II) and (ii), of section 4(3)(A).

(2) INVESTIGATIVE AUTHORITY.—

(A) IN GENERAL.—To ensure compliance with the provisions of this Act, or any regulation or order issued under this Act, the Secretary shall have, subject to subparagraph (C), the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)), with respect to employees and employers.

(B) OBLIGATION TO KEEP AND PRESERVE RECORDS.—An employer shall make, keep, and preserve records pertaining to compliance with this Act in accordance with section 11(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(c)) and in accordance with regulations issued by the Secretary.

(C) REQUIRED SUBMISSIONS GENERALLY LIMITED TO AN ANNUAL BASIS.—The Secretary shall not require, under the authority of this

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paragraph, an employer to submit to the Sec-

retary any books or records more than once
during any 12-month period, unless the Sec-

retary has reasonable cause to believe there
may exist a violation of this Act or any regula-
tion or order issued pursuant to this Act, or is
investigating a charge pursuant to paragraph
(4).

(D) SUBPOENA AUTHORITY.—For the pur-
poses of any investigation provided for in this
paragraph, the Secretary shall have the sub-
poena authority provided for under section 9 of
the Fair Labor Standards Act of 1938 (29

(3) CIVIL ACTION BY EMPLOYEES.—

(A) RIGHT OF ACTION.—An action to re-
cover the damages or equitable relief prescribed
in subparagraph (B) may be maintained
against any employer in any Federal or State
court of competent jurisdiction by one or more
employees or their representative for and on be-
half of—

(i) the employees; or

(ii) the employees and other employ-
es similarly situated.
(B) LIABILITY.—Any employer who violates section 7 (including a violation relating to rights provided under section 5) shall be liable to any employee affected—

(i) for damages equal to—

(I) the amount of—

(aa) any wages, salary, employment benefits, or other compensation denied or lost to such employee by reason of the violation; or

(bb) in a case in which wages, salary, employment benefits, or other compensation have not been denied or lost to the employee, any actual monetary losses sustained by the employee as a direct result of the violation up to a sum equal to 7 days of wages or salary for the employee;

(II) the interest on the amount described in subclause (I) calculated at the prevailing rate; and

(III) an additional amount as liquidated damages; and
(ii) for such equitable relief as may be appropriate, including employment, rein-
statement, and promotion.

(C) FEES AND COSTS.—The court in an action under this paragraph shall, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee, reasonable expert wit-
ness fees, and other costs of the action to be paid by the defendant.

(4) ACTION BY THE SECRETARY.—

(A) ADMINISTRATIVE ACTION.—The Sec-
retary shall receive, investigate, and attempt to resolve complaints of violations of section 7 (in-
cluding a violation relating to rights provided under section 5) in the same manner that the Secretary receives, investigates, and attempts to resolve complaints of violations of sections 6 and 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 and 207).

(B) CIVIL ACTION.—The Secretary may bring an action in any court of competent juris-
diction to recover the damages described in paragraph (3)(B)(i).

(C) SUMS RECOVERED.—Any sums recov-
ered by the Secretary pursuant to subparagraph
(B) shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to each employee affected. Any such sums not paid to an employee because of inability to do so within a period of 3 years shall be deposited into the Treasury of the United States as miscellaneous receipts.

(5) LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an action may be brought under paragraph (3), (4), or (6) not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.

(B) WILLFUL VIOLATION.—In the case of an action brought for a willful violation of section 7 (including a willful violation relating to rights provided under section 5), such action may be brought within 3 years of the date of the last event constituting the alleged violation for which such action is brought.

(C) COMMENCEMENT.—In determining when an action is commenced under paragraph (3), (4), or (6) for the purposes of this para-
graph, it shall be considered to be commenced
on the date when the complaint is filed.

(6) **ACTION FOR INJUNCTION BY SECRETARY.**—
The district courts of the United States shall have
jurisdiction, for cause shown, in an action brought
by the Secretary—

(A) to restrain violations of section 7 (in-
cluding a violation relating to rights provided
under section 5), including the restraint of any
withholding of payment of wages, salary, em-
ployment benefits, or other compensation, plus
interest, found by the court to be due to em-
ployees eligible under this Act; or

(B) to award such other equitable relief as
may be appropriate, including employment, re-
instatement, and promotion.

(7) **SOLICITOR OF LABOR.**—The Solicitor of
Labor may appear for and represent the Secretary
on any litigation brought under paragraph (4) or
(6).

(8) **GENERAL ACCOUNTING OFFICE AND LI-
BRARY OF CONGRESS.**—Notwithstanding any other
 provision of this subsection, in the case of the Gen-
eral Accounting Office and the Library of Congress,
the authority of the Secretary of Labor under this
subsection shall be exercised respectively by the
Comptroller General of the United States and the
Librarian of Congress.

(b) Employees Covered by Congressional Ac-
countability Act of 1995.—The powers, remedies, and
procedures provided in the Congressional Accountability
Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as de-
efined in section 101 of that Act (2 U.S.C. 1301)), or any
person, alleging a violation of section 202(a)(1) of that
Act (42 U.S.C. 1312(a)(1)) shall be the powers, remedies,
and procedures this Act provides to that Board, or any
person, alleging an unlawful employment practice in viola-
tion of this Act against an employee described in section

(c) Employees Covered by Chapter 5 of Title
3, United States Code.—The powers, remedies, and
procedures provided in chapter 5 of title 3, United States
Code, to the President, the Merit Systems Protection
Board, or any person, alleging a violation of section
412(a)(1) of that title, shall be the powers, remedies, and
procedures this Act provides to the President, that Board,
or any person, respectively, alleging an unlawful employ-
ment practice in violation of this Act against an employee
described in section 4(2)(A)(iv).
(d) **EMPLOYEES COVERED BY SECTION 717 of the CIVIL RIGHTS ACT OF 1964.**—The powers, remedies, and procedures provided in title 5, United States Code, to an employing agency, provided in chapter 12 of that title to the Merit Systems Protection Board, or provided in that title to any person, alleging a violation of chapter 63 of that title, shall be the powers, remedies, and procedures this Act provides to that agency, that Board, or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 4(2)(A)(v).

**SEC. 9. GAO STUDY.**

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study to determine the following:

(1) The number of days employees used paid sick leave including—

(A) the number of employees who used paid sick leave annually; and

(B) the number of days employees used paid sick leave for their illnesses, or illnesses of—

(i) a child;

(ii) a spouse;

(iii) a parent; or
(iv) any other individual.

(2) Whether employees used paid sick leave to care for illnesses or conditions caused by domestic violence against the employees or their family members.

(3) The cost to employers of implementing paid sick leave policies.

(4) The benefits to employers of implementing the policies, including improvements in retention and absentee rates and productivity.

(5) The benefits of paid sick leave to employees and their family members.

(6) Whether the provision of paid sick leave has affected the ability of employees to care for their family members.

(7) Whether and in what way the provision of paid sick leave affected the ability of employees to provide for their health needs.

(8) Whether the provision of paid sick leave affected the ability of employees to sustain an adequate income while meeting health needs of the employees and their family members.

(9) Whether employers who administered paid sick leave policies prior to the date of enactment of this Act were affected by the provisions of this Act.
(10) Whether other types of leave were affected by this Act including whether this Act affected—

(A) paid vacation leave;

(B) paid family or medical leave; or

(C) personal leave.

(11) Whether paid sick leave affected retention and turnover.

(b) AGGREGATING DATA.—The data collected under paragraphs (1), (2), and (6) of subsection (a) shall be aggregated by gender, race, disability, earnings level, age, marital status, and family type, including parental status.

(c) REPORTS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit a report to the appropriate committees of Congress concerning the results of the study conducted pursuant to subsection (a) and the data aggregated under subsection (b).

(2) FOLLOWUP REPORT.—Not later that 5 years after the date of enactment of this Act the Comptroller General of the United States shall prepare and submit a followup report to the appropriate committees of Congress concerning the results of the
study conducted pursuant to subsection (a) and the
data aggregated under subsection (b).

SEC. 10. EFFECT ON OTHER LAWS.

(a) FEDERAL AND STATE ANTIDISCRIMINATION
LAWS.—Nothing in this Act shall be construed to modify
or affect any Federal or State law prohibiting discrimina-
tion on the basis of race, religion, color, national origin,
sex, age, or disability.

(b) STATE AND LOCAL LAWS.—Nothing in this Act
shall be construed to supersede any provision of any State
or local law that provides greater paid sick leave or other
leave rights than the rights established under this Act.

SEC. 11. EFFECT ON EXISTING EMPLOYMENT BENEFITS.

(a) MORE PROTECTIVE.—Nothing in this Act shall
be construed to diminish the obligation of an employer to
comply with any contract, collective bargaining agreement,
or any employment benefit program or plan that provides
greater paid sick leave rights to employees than the rights
established under this Act.

(b) LESS PROTECTIVE.—The rights established for
employees under this Act shall not be diminished by any
contract, collective bargaining agreement, or any employ-
ment benefit program or plan.
SEC. 12. ENCOURAGEMENT OF MORE GENEROUS LEAVE POLICIES.

Nothing in this Act shall be construed to discourage employers from adopting or retaining leave policies more generous than policies that comply with the requirements of this Act.

SEC. 13. REGULATIONS.

(a) EMPLOYEES COVERED BY TITLE I OF FAMILY AND MEDICAL LEAVE ACT OF 1993 OR GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 120 days after the date of enactment of this Act, the Secretary shall prescribe such regulations as are necessary to carry out this Act with respect to employees described in clause (i) or (ii) of section 4(2)(A).

(2) GENERAL ACCOUNTING OFFICE; LIBRARY OF CONGRESS.—The Comptroller General of the United States and the Librarian of Congress shall prescribe the regulations with respect to employees of the General Accounting Office and the Library of Congress, respectively.

(b) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Board
of Directors of the Office of Compliance shall pre-
scribe (in accordance with section 304 of the Con-
gressional Accountability Act of 1995 (2 U.S.C. 1384)) such regulations as are necessary to carry out this Act with respect to employees described in section 4(2)(A)(iii).

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secre-
try to carry out this Act except insofar as the Board may determine, for good cause shown and stated together with the regulations issued under paragraph (1), that a modification of such regula-
tions would be more effective for the implementation of the rights and protections involved under this sec-
tion.

(c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Presi-
dent (or the designee of the President) shall pre-
scribe such regulations as are necessary to carry out this Act with respect to employees described in sec-
(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary to carry out this Act except insofar as the President (or designee) may determine, for good cause shown and stated together with the regulations issued under paragraph (1), that a modification of such regulations would be more effective for the implementation of the rights and protections involved under this section.

(d) EMPLOYEES COVERED BY SECTION 717 OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall prescribe such regulations as are necessary to carry out this Act with respect to employees described in section 4(2)(A)(v).

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary to carry out this Act except insofar as the Director may determine, for good cause shown and stated together with the regulations issued under paragraph (1), that a modification of such regula-
tions would be more effective for the implementation of the rights and protections involved under this section.

SEC. 14. EFFECTIVE DATES.

(a) IN GENERAL.—This Act shall take effect on the date that is 6 months after the date of enactment of this Act.

(b) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a collective bargaining agreement in effect on the effective date prescribed by subsection (a), this Act shall take effect on the earlier of—

(1) the date of the termination of such agreement; or

(2) the date that occurs 12 months after the date of enactment of this Act.

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