

108TH CONGRESS
2D SESSION

S. 2520

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

1 family members, including, among others, their chil-
2 dren, spouse, parents, and parents-in-law, and other
3 children and adults for whom they are caretakers.

4 (2) Health care needs include preventive health
5 care, diagnostic procedures, medical treatment, and
6 recovery in response to short- and long-term ill-
7 nesses and injuries.

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

14 (4) When parents are available to care for their
15 children who become sick, the children's recovery is
16 faster, more serious illnesses are prevented, and the
17 children's overall mental and physical health is im-
18 proved. Parents who cannot afford to miss work and
19 must send children with a contagious illness to child
20 care or school contribute to the high rate of infec-
21 tions in child care centers and schools.

22 (5) Routine medical care results in savings by
23 decreasing medical costs by detecting and treating
24 illness and injury early, decreasing the need for
25 emergency care. These savings benefit public and

1 private payers of health insurance, including private
2 businesses.

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

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

16 (8) The majority of middle income Americans
17 lack paid leave for self-care or to care for a family
18 member. Low-income Americans are significantly
19 worse off. Of the poorest families (the lowest quar-
20 tile), 76 percent lack regular sick leave. For families
21 in the next 2 quartiles, 63 percent and 54 percent,
22 respectively lack regular sick leave. Even in the
23 highest income quartile, 40 percent of families lack
24 regular sick leave. Less than 1/2 of workers who have
25 paid sick leave can use it to care for ill children.

1 (9) It is in the national interest to ensure that
2 Americans from all demographic groups can care for
3 their own health and the health of their families
4 while prospering at work.

5 (10) Due to the nature of the roles of men and
6 women in society, the primary responsibility for fam-
7 ily caretaking often falls on women, and such re-
8 sponsibility affects the working lives of women more
9 than it affects the working lives of men.

10 (11) Although women are still primarily respon-
11 sible for family caretaking, an increasing number of
12 men are taking on caretaking obligations, and men
13 who request leave time for caretaking purposes are
14 often penalized because of stereotypes that care-
15 taking is only “women’s work”.

16 (12) Employers’ reliance on persistent stereo-
17 types about the “proper” roles of both men and
18 women in the workplace and in the home hurts both
19 men and women.

20 (13) Employment standards that apply to only
21 one gender have serious potential for encouraging
22 employers to discriminate against employees and ap-
23 plicants for employment who are of that gender.

24 **SEC. 3. PURPOSES.**

25 The purposes of this Act are—

1 (1) to ensure that all working Americans can
2 address their own health needs and the health needs
3 of their families by requiring employers to provide a
4 minimum level of paid sick leave including leave for
5 family care;

6 (2) to diminish public and private health care
7 costs by enabling workers to seek early and routine
8 medical care for themselves and their family mem-
9 bers;

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

13 (4) to accomplish the purposes described in
14 paragraphs (1) and (2) in a manner that, consistent
15 with the portion of the 14th amendment to the Con-
16 stitution relating to equal protection of the laws,
17 minimizes the potential for employment discrimina-
18 tion on the basis of sex by ensuring generally that
19 leave is available for eligible medical reasons on a
20 gender-neutral basis; and

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

24 **SEC. 4. DEFINITIONS.**

25 In this Act:

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

5 (A) under 18 years of age; or

6 (B) 18 years of age or older and incapable
7 of self-care because of a mental or physical dis-
8 ability.

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

11 (A) who is—

12 (i)(I) an employee (including an appli-
13 cant), as defined in section 3(e) of the Fair
14 Labor Standards Act of 1938 (29 U.S.C.
15 203(e)), who is not covered under clause
16 (v), including such an employee of the Li-
17 brary of Congress, except that a reference
18 in such section to an employer shall be
19 considered to be a reference to an employer
20 described in clauses (i)(I) and (ii) of para-
21 graph (3)(A); or

22 (II) an employee (including an appli-
23 cant) of the General Accounting Office;

24 (ii) a State employee (including an ap-
25 plicant) described in section 304(a) of the

1 Government Employee Rights Act of 1991
2 (42 U.S.C. 2000e–16c(a));

3 (iii) a covered employee (including an
4 applicant), as defined in section 101 of the
5 Congressional Accountability Act of 1995
6 (2 U.S.C. 1301);

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

10 (v) an employee or applicant to which
11 section 717(a) of the Civil Rights Act of
12 1964 (42 U.S.C. 2000e–16(a)) applies,
13 other than an employee or applicant of the
14 General Accounting Office or the Library
15 of Congress; and

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

19 (3) EMPLOYER.—

20 (A) IN GENERAL.—The term “employer”
21 means a person who is—

22 (i)(I) an employer (as defined in sec-
23 tion 101(4) of the Family and Medical
24 Leave Act of 1993 (29 U.S.C. 2611(4))),
25 who is not covered under clause (v), includ-

1 ing the General Accounting Office and the
2 Library of Congress, except that a ref-
3 erence in such section to 50 or more em-
4 ployees shall be considered to be a ref-
5 erence to 15 or more employees;

6 (II) an entity employing a State em-
7 ployee described in section 304(a) of the
8 Government Employee Rights Act of 1991;

9 (III) an employing office, as defined
10 in section 101 of the Congressional Ac-
11 countability Act of 1995;

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

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

19 (ii) is engaged in commerce (including
20 government), in the production of goods
21 for commerce, or in an enterprise engaged
22 in commerce (including government) or in
23 the production of goods for commerce.

1 (B) PREDECESSORS.—Any reference in
2 this paragraph to an employer shall include a
3 reference to any predecessor of such employer.

4 (4) EMPLOYMENT BENEFITS.—The term “em-
5 ployment benefits” has the meaning given the term
6 in section 101 of the Family and Medical Leave Act
7 of 1993 (29 U.S.C. 2611).

8 (5) HEALTH CARE PROFESSIONAL.—The term
9 “health care professional” has the meaning given the
10 term “health care provider” in section 101 of the
11 Family and Medical Leave Act of 1993 (29 U.S.C.
12 2611).

13 (6) PARENT.—The term “parent” means a bio-
14 logical, foster, or adoptive parent of an employee, a
15 stepparent of an employee, or a legal guardian or
16 other person who stood in loco parentis to an em-
17 ployee when the employee was a child.

18 (7) PRO RATA.—The term “pro rata”, with re-
19 spect to benefits offered to part-time employees,
20 means the proportion of each of the benefits offered
21 to full-time employees that are offered to part-time
22 employees that, for each benefit, is equal to the ratio
23 of part-time hours worked to full-time hours worked.

24 (8) SECRETARY.—The term “Secretary” means
25 the Secretary of Labor.

1 (9) SICK LEAVE.—The term “sick leave” means
2 an increment of compensated leave provided by an
3 employer to an employee as a benefit of employment
4 for use by the employee during an absence from em-
5 ployment for any of the reasons described in para-
6 graphs (1) through (4) of section 5(d).

7 (10) SPOUSE.—The term “spouse”, with re-
8 spect to an employee, has the meaning given such
9 term by the marriage laws of the State in which the
10 employee resides.

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

12 (a) IN GENERAL.—An employer shall provide for
13 each employee employed by the employer not less than—

14 (1) 7 days of sick leave with pay annually for
15 employees working 30 or more hours per week; or

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

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

20 (B) 1,500 hours throughout the year in-
21 volved.

22 (b) ACCRUAL.—Sick leave provided for under this
23 section shall accrue as determined appropriate by the em-
24 ployer, but not on less than a quarterly basis. Leave may

1 be used as accrued or may be loaned by the employer to
2 the employee in advance of accrual by such employee.

3 (c) CALCULATION.—

4 (1) LESS THAN A FULL WORKDAY.—Unless the
5 employer and employee agree to designate otherwise,
6 for periods of sick leave that are less than a normal
7 workday, that leave shall be counted—

8 (A) on an hourly basis; or

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

12 (2) VARIABLE SCHEDULE.—If the schedule of
13 an employee varies from week to week, a weekly av-
14 erage of the hours worked over the 12-week period
15 prior to the beginning of a sick leave period shall be
16 used to calculate the employee's normal workweek
17 for the purpose of determining the amount of sick
18 leave to which the employee is entitled.

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

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

24 (2) An absence resulting from obtaining profes-
25 sional medical diagnosis or care, or preventive med-

1 ical care, for the employee subject to the require-
2 ment of subsection (e).

3 (3) An absence for the purpose of caring for a
4 child, a parent, a spouse, or any other individual re-
5 lated by blood or affinity whose close association
6 with the employee is the equivalent of a family rela-
7 tionship, who has—

8 (A) any of the conditions or needs for di-
9 agnosis or care described in paragraph (1) or
10 (2); and

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

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

17 (f) CERTIFICATION.—

18 (1) IN GENERAL.—Paid sick leave shall be pro-
19 vided upon the oral or written request of an em-
20 ployee. Such request shall—

21 (A) include a reason for the absence in-
22 volved and the expected duration of the leave;

23 (B) for foreseeable leave, be provided at
24 least 7 days in advance of such leave; and

1 (C) for unforeseeable leave for which ad-
2 vance notice cannot be given, be provided as
3 soon as practicable after the employee is aware
4 of the need to take such leave.

5 (2) CERTIFICATION.—

6 (A) PROVISION.—

7 (i) IN GENERAL.—An employer may
8 require that a request for leave for more
9 than 3 consecutive days be supported by a
10 certification issued by the health care pro-
11 fessional of the eligible employee or of an
12 individual described in subsection (d)(3),
13 as appropriate.

14 (ii) TIMELINESS.—The employee shall
15 provide a copy of such certification to the
16 employer in a timely manner, not later
17 than 30 days after the first day of the
18 leave. The employer shall not delay the
19 commencement of the leave on the basis
20 that the employer has not yet received the
21 certification.

22 (B) SUFFICIENT CERTIFICATION.—

23 (i) IN GENERAL.—A certification pro-
24 vided under subparagraph (A) shall be suf-
25 ficient if it states—

1 (I) the date on which the leave
2 will be needed;

3 (II) the probable duration of the
4 leave;

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

10 (IV)(aa) for purposes of leave
11 under subsection (d)(1), a statement
12 that leave from work is medically nec-
13 essary;

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

20 (cc) for purposes of leave under
21 subsection (d)(3), in the case of leave
22 to care for someone who is not a
23 child, a statement that the eligible
24 employee is needed to care for an in-
25 dividual described in such subsection,

1 and an estimate of the amount of
2 time that such employee is needed to
3 care for such individual.

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

12 (C) CONFIDENTIALITY AND NONDISCLO-
13 SURE.—

14 (i) PROTECTED HEALTH INFORMA-
15 TION.—Nothing in this Act shall be con-
16 strued to require a health care professional
17 to disclose information in violation of sec-
18 tion 1177 of the Social Security Act (42
19 U.S.C. 1320d–6) or the regulations pro-
20 mulgated pursuant to section 264(c) of the
21 Health Insurance Portability and Account-
22 ability Act (42 U.S.C. 1320d–2 note).

23 (ii) HEALTH INFORMATION
24 RECORDS.—If an employer possesses
25 health information about an employee or

1 an employee's child, parent, spouse or
2 other individual described in subsection
3 (d)(3), such information shall—

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

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

9 (III) not be disclosed except to
10 the affected employee or with the per-
11 mission of the affected employee.

12 (g) CURRENT LEAVE POLICIES.—

13 (1) EQUIVALENCY REQUIREMENT.—An em-
14 ployer with a leave policy providing paid leave op-
15 tions shall not be required to modify such policy, if
16 such policy offers an employee the option, at the em-
17 ployee's discretion, to take paid sick leave that is at
18 least equivalent to the sick leave described in para-
19 graphs (1) and (2) of subsection (a) and subsection
20 (d).

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

1 **SEC. 6. POSTING REQUIREMENT.**

2 (a) IN GENERAL.—Each employer shall post and
3 keep posted a notice, to be prepared or approved in ac-
4 cordance with procedures specified in regulations issued
5 under section 13, setting forth excerpts from, or sum-
6 maries of, the pertinent provisions of this Act including—

7 (1) information describing leave available to
8 employees under this Act;

9 (2) information pertaining to the filing of an
10 action under this Act; and

11 (3) the details of the notice requirement for
12 foreseeable leave under section 5(f)(1)(B).

13 (b) LOCATION.—The notice described under sub-
14 section (a) shall be posted—

15 (1) in conspicuous places on the premises of the
16 employer, where notices to employees (including ap-
17 plicants) are customarily posted; or

18 (2) in employee handbooks.

19 (c) VIOLATION; PENALTY.—Any employer who will-
20 fully violates the posting requirements of this section shall
21 be subject to a civil fine in an amount not to exceed \$100
22 for each separate offense.

23 **SEC. 7. PROHIBITED ACTS.**

24 (a) INTERFERENCE WITH RIGHTS.—

25 (1) EXERCISE OF RIGHTS.—It shall be unlawful
26 for any employer to interfere with, restrain, or deny

1 the exercise of, or the attempt to exercise, any right
2 provided under this Act.

3 (2) DISCRIMINATION.—It shall be unlawful for
4 any employer to discharge or in any other manner
5 discriminate or otherwise retaliate against any indi-
6 vidual for opposing any practice made unlawful by
7 this Act.

8 (b) INTERFERENCE WITH PROCEEDINGS OR INQUIR-
9 IES.—It shall be unlawful for any person to discharge or
10 in any other manner discriminate against any individual
11 because such individual—

12 (1) has filed an action, or has instituted or
13 caused to be instituted any proceeding, under or re-
14 lated to this Act;

15 (2) has given, or is about to give, any informa-
16 tion in connection with any inquiry or proceeding re-
17 lating to any right provided under this Act; or

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

21 **SEC. 8. INVESTIGATIVE AND ENFORCEMENT AUTHORITY.**

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

25 (1) DEFINITION.—In this subsection:

1 (A) the term “employee” means an em-
2 ployee described in clause (i) or (ii) of section
3 4(2)(A); and

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

7 (2) INVESTIGATIVE AUTHORITY.—

8 (A) IN GENERAL.—To ensure compliance
9 with the provisions of this Act, or any regula-
10 tion or order issued under this Act, the Sec-
11 retary shall have, subject to subparagraph (C),
12 the investigative authority provided under sec-
13 tion 11(a) of the Fair Labor Standards Act of
14 1938 (29 U.S.C. 211(a)), with respect to em-
15 ployees and employers.

16 (B) OBLIGATION TO KEEP AND PRESERVE
17 RECORDS.—An employer shall make, keep, and
18 preserve records pertaining to compliance with
19 this Act in accordance with section 11(c) of the
20 Fair Labor Standards Act of 1938 (29 U.S.C.
21 211(c)) and in accordance with regulations
22 issued by the Secretary.

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

1 paragraph, an employer to submit to the Sec-
2 retary any books or records more than once
3 during any 12-month period, unless the Sec-
4 retary has reasonable cause to believe there
5 may exist a violation of this Act or any regula-
6 tion or order issued pursuant to this Act, or is
7 investigating a charge pursuant to paragraph
8 (4).

9 (D) SUBPOENA AUTHORITY.—For the pur-
10 poses of any investigation provided for in this
11 paragraph, the Secretary shall have the sub-
12 poena authority provided for under section 9 of
13 the Fair Labor Standards Act of 1938 (29
14 U.S.C. 209).

15 (3) CIVIL ACTION BY EMPLOYEES.—

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

23 (i) the employees; or

24 (ii) the employees and other employ-
25 ees similarly situated.

1 (B) LIABILITY.—Any employer who vio-
2 lates section 7 (including a violation relating to
3 rights provided under section 5) shall be liable
4 to any employee affected—

5 (i) for damages equal to—

6 (I) the amount of—

7 (aa) any wages, salary, em-
8 ployment benefits, or other com-
9 pensation denied or lost to such
10 employee by reason of the viola-
11 tion; or

12 (bb) in a case in which
13 wages, salary, employment bene-
14 fits, or other compensation have
15 not been denied or lost to the
16 employee, any actual monetary
17 losses sustained by the employee
18 as a direct result of the violation
19 up to a sum equal to 7 days of
20 wages or salary for the employee;

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

24 (III) an additional amount as liq-
25 uidated damages; and

1 (ii) for such equitable relief as may be
2 appropriate, including employment, rein-
3 statement, and promotion.

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

10 (4) ACTION BY THE SECRETARY.—

11 (A) ADMINISTRATIVE ACTION.—The Sec-
12 retary shall receive, investigate, and attempt to
13 resolve complaints of violations of section 7 (in-
14 cluding a violation relating to rights provided
15 under section 5) in the same manner that the
16 Secretary receives, investigates, and attempts to
17 resolve complaints of violations of sections 6
18 and 7 of the Fair Labor Standards Act of 1938
19 (29 U.S.C. 206 and 207).

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

24 (C) SUMS RECOVERED.—Any sums recov-
25 ered by the Secretary pursuant to subparagraph

1 (B) shall be held in a special deposit account
2 and shall be paid, on order of the Secretary, di-
3 rectly to each employee affected. Any such sums
4 not paid to an employee because of inability to
5 do so within a period of 3 years shall be depos-
6 ited into the Treasury of the United States as
7 miscellaneous receipts.

8 (5) LIMITATION.—

9 (A) IN GENERAL.—Except as provided in
10 subparagraph (B), an action may be brought
11 under paragraph (3), (4), or (6) not later than
12 2 years after the date of the last event consti-
13 tuting the alleged violation for which the action
14 is brought.

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

22 (C) COMMENCEMENT.—In determining
23 when an action is commenced under paragraph
24 (3), (4), or (6) for the purposes of this para-

1 graph, it shall be considered to be commenced
2 on the date when the complaint is filed.

3 (6) ACTION FOR INJUNCTION BY SECRETARY.—

4 The district courts of the United States shall have
5 jurisdiction, for cause shown, in an action brought
6 by the Secretary—

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

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

17 (7) SOLICITOR OF LABOR.—The Solicitor of
18 Labor may appear for and represent the Secretary
19 on any litigation brought under paragraph (4) or
20 (6).

21 (8) GENERAL ACCOUNTING OFFICE AND LI-
22 BRARY OF CONGRESS.—Notwithstanding any other
23 provision of this subsection, in the case of the Gen-
24 eral Accounting Office and the Library of Congress,
25 the authority of the Secretary of Labor under this

1 subsection shall be exercised respectively by the
2 Comptroller General of the United States and the
3 Librarian of Congress.

4 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
5 COUNTABILITY ACT OF 1995.—The powers, remedies, and
6 procedures provided in the Congressional Accountability
7 Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as de-
8 fined in section 101 of that Act (2 U.S.C. 1301)), or any
9 person, alleging a violation of section 202(a)(1) of that
10 Act (42 U.S.C. 1312(a)(1)) shall be the powers, remedies,
11 and procedures this Act provides to that Board, or any
12 person, alleging an unlawful employment practice in viola-
13 tion of this Act against an employee described in section
14 4(2)(A)(iii).

15 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
16 3, UNITED STATES CODE.—The powers, remedies, and
17 procedures provided in chapter 5 of title 3, United States
18 Code, to the President, the Merit Systems Protection
19 Board, or any person, alleging a violation of section
20 412(a)(1) of that title, shall be the powers, remedies, and
21 procedures this Act provides to the President, that Board,
22 or any person, respectively, alleging an unlawful employ-
23 ment practice in violation of this Act against an employee
24 described in section 4(2)(A)(iv).

1 (d) EMPLOYEES COVERED BY SECTION 717 of the
2 CIVIL RIGHTS ACT OF 1964.—The powers, remedies, and
3 procedures provided in title 5, United States Code, to an
4 employing agency, provided in chapter 12 of that title to
5 the Merit Systems Protection Board, or provided in that
6 title to any person, alleging a violation of chapter 63 of
7 that title, shall be the powers, remedies, and procedures
8 this Act provides to that agency, that Board, or any per-
9 son, respectively, alleging an unlawful employment prac-
10 tice in violation of this Act against an employee described
11 in section 4(2)(A)(v).

12 **SEC. 9. GAO STUDY.**

13 (a) IN GENERAL.—The Comptroller General of the
14 United States shall conduct a study to determine the fol-
15 lowing:

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

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

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

23 (i) a child;

24 (ii) a spouse;

25 (iii) a parent; or

1 (iv) any other individual.

2 (2) Whether employees used paid sick leave to
3 care for illnesses or conditions caused by domestic
4 violence against the employees or their family mem-
5 bers.

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

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

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

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

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

19 (8) Whether the provision of paid sick leave af-
20 fected the ability of employees to sustain an ade-
21 quate income while meeting health needs of the em-
22 ployees and their family members.

23 (9) Whether employers who administered paid
24 sick leave policies prior to the date of enactment of
25 this Act were affected by the provisions of this Act.

1 (10) Whether other types of leave were affected
2 by this Act including whether this Act affected—

3 (A) paid vacation leave;

4 (B) paid family or medical leave; or

5 (C) personal leave.

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

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

12 (c) REPORTS.—

13 (1) IN GENERAL.—Not later than 18 months
14 after the date of enactment of this Act, the Comp-
15 troller General of the United States shall prepare
16 and submit a report to the appropriate committees
17 of Congress concerning the results of the study con-
18 ducted pursuant to subsection (a) and the data ag-
19 gregated under subsection (b).

20 (2) FOLLOWUP REPORT.—Not later than 5
21 years after the date of enactment of this Act the
22 Comptroller General of the United States shall pre-
23 pare and submit a followup report to the appropriate
24 committees of Congress concerning the results of the

1 study conducted pursuant to subsection (a) and the
2 data aggregated under subsection (b).

3 **SEC. 10. EFFECT ON OTHER LAWS.**

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

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

13 **SEC. 11. EFFECT ON EXISTING EMPLOYMENT BENEFITS.**

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

20 (b) LESS PROTECTIVE.—The rights established for
21 employees under this Act shall not be diminished by any
22 contract, collective bargaining agreement, or any employ-
23 ment benefit program or plan.

1 **SEC. 12. ENCOURAGEMENT OF MORE GENEROUS LEAVE**
2 **POLICIES.**

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

7 **SEC. 13. REGULATIONS.**

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

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

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

23 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
24 COUNTABILITY ACT OF 1995.—

25 (1) IN GENERAL.—Not later than 120 days
26 after the date of enactment of this Act, the Board

1 of Directors of the Office of Compliance shall pre-
2 scribe (in accordance with section 304 of the Con-
3 gressional Accountability Act of 1995 (2 U.S.C.
4 1384)) such regulations as are necessary to carry
5 out this Act with respect to employees described in
6 section 4(2)(A)(iii).

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

17 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
18 3, UNITED STATES CODE.—

19 (1) IN GENERAL.—Not later than 120 days
20 after the date of enactment of this Act, the Presi-
21 dent (or the designee of the President) shall pre-
22 scribe such regulations as are necessary to carry out
23 this Act with respect to employees described in sec-
24 tion 4(2)(A)(iv).

1 (2) AGENCY REGULATIONS.—The regulations
2 issued under paragraph (1) shall be the same as
3 substantive regulations promulgated by the Sec-
4 retary to carry out this Act except insofar as the
5 President (or designee) may determine, for good
6 cause shown and stated together with the regula-
7 tions issued under paragraph (1), that a modifica-
8 tion of such regulations would be more effective for
9 the implementation of the rights and protections in-
10 volved under this section.

11 (d) EMPLOYEES COVERED BY SECTION 717 of the
12 CIVIL RIGHTS ACT OF 1964.—

13 (1) IN GENERAL.—Not later than 120 days
14 after the date of enactment of this Act, the Director
15 of the Office of Personnel Management shall pre-
16 scribe such regulations as are necessary to carry out
17 this Act with respect to employees described in sec-
18 tion 4(2)(A)(v).

19 (2) AGENCY REGULATIONS.—The regulations
20 issued under paragraph (1) shall be the same as
21 substantive regulations promulgated by the Sec-
22 retary to carry out this Act except insofar as the Di-
23 rector may determine, for good cause shown and
24 stated together with the regulations issued under
25 paragraph (1), that a modification of such regula-

1 tions would be more effective for the implementation
2 of the rights and protections involved under this sec-
3 tion.

4 **SEC. 14. EFFECTIVE DATES.**

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

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

12 (1) the date of the termination of such agree-
13 ment; or

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

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