

111TH CONGRESS
1ST SESSION

H. R. 2564

To amend the Fair Labor Standards Act to require that employers provide a minimum of 1 week of paid annual leave to employees.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2009

Mr. GRAYSON (for himself, Mr. LEWIS of Georgia, and Mr. HINCHEY) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Fair Labor Standards Act to require that employers provide a minimum of 1 week of paid annual leave to employees.

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 “Paid Vacation Act of
5 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) according to the Bureau of Labor Statistics,
2 each year the average American works one month
3 (160 hours) more today than in 1976;

4 (2) job-related stress costs business \$344 billion
5 a year in absenteeism, lost productivity, and health
6 costs;

7 (3) some 75 percent of visits to primary care
8 physicians come from stress-induced problems;

9 (4) 147 countries require paid vacation leave,
10 and the United States is the only industrialized Na-
11 tion without a minimum annual leave law;

12 (5) one of the fastest growing economies in the
13 world, China, requires 3 weeks off for employees,
14 which they call “Golden Weeks”;

15 (6) Canada requires 2 weeks off for all employ-
16 ees, and 3 weeks off for employees with 5 years or
17 more with one employer;

18 (7) the Pew Research Center says more free
19 time is the number one priority for middle-class
20 Americans—with 68 percent of those surveyed listed
21 this as a high priority for them;

22 (8) in 2008, about half (52 percent) of Amer-
23 ican workers took a vacation of a week or longer,
24 and only 14 percent of American workers took 2
25 weeks or more for vacation;

1 (9) men who don't take regular vacations are
2 32 percent more likely to die of heart attacks, and
3 21 percent more likely to die early of all causes;

4 (10) women who don't take regular vacations
5 have a 50 percent greater risk of heart attack, and
6 are twice as likely to be depressed as those who do;

7 (11) the travel industry adds \$740 billion a
8 year to the Nation's economy, while stress and burn-
9 out at work cost the economy over \$300 billion a
10 year; and

11 (12) vacations allow workers and businesses to
12 increase productivity, decrease stress-related health
13 costs, and provide time for family strengthening and
14 bonding.

15 **SEC. 3. ENTITLEMENT TO VACATION.**

16 Section 7 of the Fair Labor Standards Act (29
17 U.S.C. 207) is amended by inserting after subsection (b)
18 the following:

19 “(c)(1) Beginning on the date of enactment of the
20 Paid Vacation Act of 2009, an eligible employee of an em-
21 ployer that employs 100 or more employees at any time
22 during a calendar year shall be entitled to a total of 1
23 workweek of paid vacation during each 12-month period.

24 “(2) Beginning on the date that is 3 years after the
25 date of enactment of the Paid Vacation Act of 2009, an

1 eligible employee of an employer that employs 50 or more
2 employees at any time during a calendar year shall be enti-
3 tled to a total of 1 workweek of paid vacation during each
4 12-month period, and an eligible employee of an employer
5 that employs 100 or more employees shall be entitled to
6 a total of 2 workweeks of paid vacation during each 12-
7 month period, beginning on that eligible employee's first
8 anniversary of employment.

9 “(3) An eligible employee shall provide the employer
10 with not less than 30 days' notice, before the date the paid
11 vacation under paragraph (1) or (2) is to begin, of the
12 employee's intention to take paid vacation under such
13 paragraph, and identify the date such paid vacation shall
14 begin.

15 “(4) For purposes of this subsection—

16 “(A) the term ‘eligible employee’ means an em-
17 ployee who has been employed for at least 12
18 months by the employer with respect to whom leave
19 is requested under paragraph (1) or (2) and for at
20 least 1,250 hours of service with such employer dur-
21 ing such 12-month period; and

22 “(B) the term 1 workweek of ‘paid vacation’
23 means vacation time, in addition to and apart from
24 sick leave and any leave otherwise required by law,
25 to be taken in a continuous series or block of work

1 days comprising 7 calendar days that cannot be
2 rolled over, but must be used within the 12-month
3 period.

4 “(5) The exemptions to this section provided in sec-
5 tion 13 shall not apply to this subsection.”.

6 **SEC. 4. PUBLIC AWARENESS CAMPAIGN BY DEPARTMENT**
7 **OF LABOR.**

8 The Secretary of Labor is authorized to conduct a
9 public awareness campaign, through the Internet and
10 other media, to inform the public of the entitlement to
11 leave afforded by this Act. There is authorized to be ap-
12 propriated such sums as may be necessary for the public
13 awareness campaign.

14 **SEC. 5. STUDY ON PRODUCTIVITY.**

15 The Secretary of Labor shall conduct a study on
16 workplace productivity and the effect on productivity of
17 the leave requirement in this Act. The study shall also ad-
18 dress any benefits to public health and psychological well-
19 being as a result of such leave. Not later than 3 years
20 after the date of enactment of this Act, the Secretary shall
21 transmit to Congress a report containing the findings of
22 the study, and shall publish such findings on the website
23 of the Department of Labor.

○