

113TH CONGRESS
1ST SESSION

H. R. 515

To amend the Family and Medical Leave Act of 1993 to provide leave because of the death of a son or daughter.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2013

Mr. ISRAEL (for himself, Mr. GRIJALVA, Mr. HONDA, Ms. NORTON, Ms. DELAURO, Mr. GEORGE MILLER of California, Mr. CLAY, and Mr. SERRANO) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Oversight and Government Reform and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Family and Medical Leave Act of 1993 to provide leave because of the death of a son or daughter.

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 “Parental Bereavement
5 Act of 2013” or the “Sarah Grace-Farley-Kluger Act”.

1 **SEC. 2. FAMILY LEAVE BECAUSE OF THE DEATH OF A SON**
2 **OR DAUGHTER.**

3 (a) FAMILY LEAVE.—

4 (1) ENTITLEMENT TO LEAVE.—Section
5 102(a)(1) of the Family and Medical Leave Act of
6 1993 (29 U.S.C. 2612(a)(1)) is amended by adding
7 at the end the following new subparagraph:

8 “(F) Because of the death of a son or
9 daughter.”.

10 (2) REQUIREMENTS RELATING TO LEAVE.—

11 (A) SCHEDULE.—Section 102(b)(1) of
12 such Act (29 U.S.C. 2612(b)(1)) is amended by
13 inserting after the third sentence the following
14 new sentence: “Leave under subsection
15 (a)(1)(F) shall not be taken by an employee
16 intermittently or on a reduced leave schedule
17 unless the employee and the employer of the
18 employee agree otherwise.”.

19 (B) SUBSTITUTION OF PAID LEAVE.—Sec-
20 tion 102(d)(2)(B) of such Act (29 U.S.C.
21 2612(d)(2)(B)) is amended, in the first sen-
22 tence, by striking “(C) or (D)” and inserting
23 “(C), (D), or (F)”.

24 (C) NOTICE.—Section 102(e) of such Act
25 (29 U.S.C. 2612(e)) is amended by adding at
26 the end the following new paragraph:

1 “(4) NOTICE FOR LEAVE DUE TO DEATH OF A
2 SON OR DAUGHTER.—In any case in which the ne-
3 cessity for leave under subsection (a)(1)(F) is fore-
4 seeable, the employee shall provide such notice to the
5 employer as is reasonable and practicable.”.

6 (D) SPOUSES EMPLOYED BY SAME EM-
7 PLOYER.—Section 102(f)(1)(A) of such Act (29
8 U.S.C. 2612(f)(1)(A)) is amended by striking
9 “subparagraph (A) or (B)” and inserting “sub-
10 paragraph (A), (B), or (F)”.

11 (E) CERTIFICATION REQUIREMENTS.—
12 Section 103 of such Act (29 U.S.C. 2613) is
13 amended by adding at the end the following:

14 “(g) CERTIFICATION RELATED TO THE DEATH OF
15 A SON OR DAUGHTER.—An employer may require that a
16 request for leave under section 102(a)(1)(F) be supported
17 by a certification issued at such time and in such manner
18 as the Secretary may by regulation prescribe. If the Sec-
19 retary issues a regulation requiring such certification, the
20 employee shall provide, in a timely manner, a copy of such
21 certification to the employer.”.

22 (F) FAILURE TO RETURN FROM LEAVE.—
23 Section 104(c) of such Act (29 U.S.C. 2614(c))
24 is amended—

1 (i) in paragraph (2)(B)(i), by insert-
 2 ing before the semicolon the following: “,
 3 or a death that entitles the employee to
 4 leave under section 102(a)(1)(F)”;

5 (ii) in paragraph (3)(A)—

6 (I) in the matter preceding clause
 7 (i), by inserting “, or the death,” be-
 8 fore “described”;

9 (II) in clause (ii), by striking
 10 “or” at the end;

11 (III) by redesignating clause (iii)
 12 as clause (iv); and

13 (IV) by inserting after clause (ii)
 14 the following:

15 “(iii) a certification that meets such
 16 requirements as the Secretary may by reg-
 17 ulation prescribe, in the case of an em-
 18 ployee unable to return to work because of
 19 a death specified in section 102(a)(1)(F);
 20 or”.

21 (G) EMPLOYEES OF LOCAL EDUCATIONAL
 22 AGENCIES.—Section 108 of such Act (29
 23 U.S.C. 2618) is amended—

24 (i) in subsection (c)—

25 (I) in paragraph (1)—

1 (aa) in the matter preceding
2 subparagraph (A), by inserting
3 after “medical treatment” the
4 following: “, or under section
5 102(a)(1)(F) that is foresee-
6 able,”; and

7 (bb) in subparagraph (A),
8 by inserting after “to exceed” the
9 following: “(except in the case of
10 leave under section
11 102(a)(1)(F))”; and

12 (II) in paragraph (2), by striking
13 “section 102(e)(2)” and inserting
14 “paragraphs (2) and (4) of section
15 102(e), as applicable”; and

16 (ii) in subsection (d), in paragraph (2)
17 and (3), by striking “or (C)” each place it
18 appears and inserting “(C), or (F)”.

19 (b) FAMILY LEAVE FOR CIVIL SERVICE EMPLOY-
20 EES.—

21 (1) ENTITLEMENT TO LEAVE.—Section
22 6382(a)(1) of title 5, United States Code, is amend-
23 ed by adding at the end the following:

24 “(F) Because of the death of a son or daugh-
25 ter.”.

1 (2) REQUIREMENTS RELATING TO LEAVE.—

2 (A) SCHEDULE.—Section 6382(b)(1) of
3 such title is amended by inserting after the
4 third sentence the following new sentence:
5 “Leave under subsection (a)(1)(F) shall not be
6 taken by an employee intermittently or on a re-
7 duced leave schedule unless the employee and
8 the employing agency of the employee agree
9 otherwise.”.

10 (B) SUBSTITUTION OF PAID LEAVE.—Sec-
11 tion 6382(d) of such title is amended, in the
12 first sentence, by striking “or (E)” and insert-
13 ing “(E), or (F)”.

14 (C) NOTICE.—Section 6382(e) of such title
15 is amended by adding at the end the following
16 new paragraph:

17 “(4) In any case in which the necessity for leave
18 under subsection (a)(1)(F) is foreseeable, the employee
19 shall provide such notice to the employing agency as is
20 reasonable and practicable.”.

21 (D) CERTIFICATION REQUIREMENTS.—
22 Section 6383 of such title is amended by adding
23 at the end the following:

24 “(g) An employing agency may require that a request
25 for leave under section 6382(a)(1)(F) be supported by a

1 certification issued at such time and in such manner as
2 the Office of Personnel Management may by regulation
3 prescribe. If the Office issues a regulation requiring such
4 certification, the employee shall provide, in a timely man-
5 ner, a copy of such certification to the employer.”.

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