

117TH CONGRESS  
2D SESSION

# S. 3748

To expand employees eligible for leave and employers subject to leave requirements.

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IN THE SENATE OF THE UNITED STATES

MARCH 3, 2022

Ms. SMITH (for herself, Ms. WARREN, Mr. DURBIN, Mrs. GILLIBRAND, Mr. PADILLA, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To expand employees eligible for leave and employers subject to leave requirements.

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 “Job Protection Act”.

5 **SEC. 2. EXPANSION OF EMPLOYEES ELIGIBLE FOR LEAVE.**

6 (a) IN GENERAL.—Section 101(2) of the Family and  
7 Medical Leave Act of 1993 (29 U.S.C. 2611(2)) is amend-  
8 ed—

1           (1) in subparagraph (A), by striking “em-  
2           employed—” and all that follows through the end of  
3           the subparagraph and inserting “employed for not  
4           less than 90 days by the employer with respect to  
5           whom leave is requested under section 102.”;

6           (2) in subparagraph (B), by striking “does not  
7           include—” and all that follows through the end of  
8           the subparagraph and inserting “does not include  
9           any Federal officer or employee covered under sub-  
10          chapter V of chapter 63 of title 5, United States  
11          Code (as added by title II of this Act).”;

12          (3) by striking subparagraphs (C) and (D); and

13          (4) by redesignating subparagraph (E) as sub-  
14          paragraph (C).

15          (b) FEDERAL EMPLOYEES.—

16           (1) TITLE 5.—Subchapter V of chapter 63 of  
17           title 5, United States Code, is amended—

18                   (A) in section 6381(1)(B), by striking “12  
19                   months” and inserting “90 days”; and

20                   (B) in section 6382(d)(2)(E), by striking  
21                   “12 months” and inserting “90 days”.

22           (2) PRESIDENTIAL EMPLOYEES.—Section  
23           412(a)(2)(B) of title 3, United States Code, is  
24           amended by striking “12 months and for at least

1 1,250 hours of employment during the previous 12  
2 months” and inserting “90 days”.

3 (3) CONGRESSIONAL EMPLOYEES.—Section  
4 202(a)(2)(B) of the Congressional Accountability  
5 Act of 1995 (2 U.S.C. 1312(a)(2)(B)) is amended  
6 by striking “12 months and for at least 1,250 hours  
7 of employment during the previous 12 months” and  
8 inserting “90 days”.

9 **SEC. 3. EXPANSION OF EMPLOYERS SUBJECT TO LEAVE RE-**  
10 **QUIREMENTS.**

11 Section 101(4)(A)(i) of the Family and Medical  
12 Leave Act of 1993 (29 U.S.C. 2611(4)(A)(i)) is amended  
13 by striking “50 or more employees” and all that follows  
14 through the end of the clause and inserting “1 or more  
15 employees”.

16 **SEC. 4. APPLICABILITY.**

17 This Act, and the amendments made by this Act,  
18 shall apply with respect to leave taken on or after the date  
19 of enactment of this Act.

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