II

119TH CONGRESS
2D SESSION

S. 5280

To require employers to provide paid annual leave to employees, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 6, 2026

Mr. SANDERS (for himself, Mr. MURPHY, Mr. MARKEY, Mr. GALLEGO, and Mr. PADILLA) 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 require employers to provide paid annual leave to employees, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Guaranteed Paid Vacation Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMERCE.—The terms "commerce" and "industry or activity affecting commerce"—

(A) mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce; and

(B) include "commerce" and "industry affecting commerce", as defined in paragraphs (1) and (3) of section 501 of the Labor Management Relations Act, 1947 (29 U.S.C. 142(1) and (3)).

(2) COVERED EMPLOYEE.—The term "covered employee" means an individual who is—

(A)(i) an employee who is not covered under any other provision of this paragraph;

(ii) an employee of the Government Accountability Office; or

(iii) an employee of a covered employer described in paragraph (3)(B)(i)(V);

(B) a State employee described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a)), other than an applicant for employment;

(C) a covered employee, as defined in section 411(c) of title 3, United States Code;

(D) a covered employee, as defined in section 101 of the Congressional Accountability

Act of 1995 (2 U.S.C. 1301), other than an applicant for employment; or

(E) a Federal officer or employee covered under subchapter V of chapter 63 of title 5, United States Code (without regard to the limitation in section 6381(1)(B) of that title), who is not covered under subparagraph (C).

(3) EMPLOYER.—

(A) IN GENERAL.—The term ''employer'' means any person who is—

(i)(I) a covered employer who is not described in any other subclause of this clause;

(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 (2 U.S.C. 1301);

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

(V) an employing agency covered under subchapter V of chapter 63 of title 5, United States Code; and

(ii) engaged in commerce (including government), or an industry or activity affecting commerce (including government).

(B) COVERED EMPLOYER.—

(i) IN GENERAL.—In subparagraph (A)(i)(I), the term ''covered employer''—

(I) means any person engaged in commerce or in any industry or activity affecting commerce who employs 1 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding year;

(II) includes the Government Accountability Office and the Library of Congress;

(III) includes any public agency;

(IV) includes—

(aa) any person who acts, directly or indirectly, in the interest of an employer covered by this clause to any of the employees of such employer; and

(bb) any successor in interest of such an employer; and

(V) includes any carrier (as such term is defined in section 1 of the Railway Labor Act (45 U.S.C. 151)) and any carrier by air (as described in section 201 of such Act (45 U.S.C. 181)).

(ii) PUBLIC AGENCY.—For purposes of clause (i)(III), a public agency shall be considered to be a person engaged in commerce or in an industry or activity affecting commerce.

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

(4) PAID ANNUAL LEAVE.—The term ''paid annual leave''—

(A) subject to subparagraph (B), means paid vacation leave, paid personal leave, paid leave provided on an annual basis (provided under this Act or otherwise), or any other form of paid leave provided to a covered employee by the employer of such covered employee to be used during a period (other than nonworkdays established by State or Federal law) in which the covered employee would otherwise work; and

(B) does not include—

(i) leave provided under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601, et seq.);

(ii) leave (paid or unpaid) that is provided by an employer of a covered employee, including such leave required by Federal, State, or local law, and is—

(I) family or medical leave;

(II) sick leave;

(III) bereavement leave;

(IV) leave related to the adoption or fostering of a child;

(V) leave related to domestic violence, sexual assault, or stalking;

(VI) leave with respect to a public health emergency;

(VII) leave for a holiday established by Federal, State, or local law; or

(VIII) leave for jury duty, for a civic duty, or to vote; or

(iii) any absence or paid leave under workers' compensation or a disability plan.

(5) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(6) FLSA DEFINITIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the terms "employ", "employee", "person", "public agency", "State", and "tipped employee" have the meanings given the terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(B) EMPLOYEE.—For purposes of paragraph (2)(A)(i), the term "employee" has meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203), except that a reference in such section to an employer shall be considered a reference to an employer described in paragraph (3)(A)(i)(I).

SEC. 3. EARNED PAID ANNUAL LEAVE.

(a) EARNING OF PAID ANNUAL LEAVE.—

(1) EARNING OF ANNUAL LEAVE.—An employer shall provide each covered employee employed by the employer not less than 1 hour of paid annual leave for every 25 hours worked by the covered employee.

(2) LIMITATION.—

(A) IN GENERAL.—For purposes of complying with paragraph (1), an employer shall not be required to provide more than 80 hours of paid annual leave to a covered employee during any 12-month period.

(B) GREATER THAN 80 HOURS OF PAID ANNUAL LEAVE.—In determining the amount of hours provided to a covered employee for purposes of limitation under subparagraph (A), an employer may not include—

(i) any earned and unused paid annual leave that is carried over by the covered employee from a previous 12-month period under subsection (b)(5);

(ii) any leave acquired by the covered employee through equitable relief provided under section 6 for a violation of section 5; or

(iii) any leave reinstated to the covered employee under subsection (d)(2)(A).

(C) RULE OF CONSTRUCTION.—This section shall not be construed to preclude an employer from providing more than 80 hours of paid annual leave.

(3) COMMENCEMENT OF EARNING PAID ANNUAL LEAVE.—A covered employee shall begin to

earn paid annual leave at the commencement of employment of such covered employee.

(4) OVERTIME AND MINIMUM WAGE EXEMPT EMPLOYEE.—For purposes of this section, a covered employee who is exempt from overtime and minimum wage requirements under section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) shall be deemed to work 40 hours in each workweek.

(b) USE OF PAID ANNUAL LEAVE.—

(1) IN GENERAL.—Paid annual leave earned under subsection (a)(1) may be used by a covered employee for any reason.

(2) TIMING.—Subject to paragraphs (2) and (3) of subsection (c) and except as provided in subsection (d)(2), a covered employee may use paid annual leave earned by the covered employee under subsection (a)(1) at any time after the leave is earned during, except as provided in paragraph (5), the 12-month period after the leave is earned.

(3) RATE OF COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a covered employee using paid annual leave earned under subsection (a)(1) shall be compensated, for the period that the covered employee is using such leave, at the regular rate at which the covered employee would have been paid for such period if the covered employee were not using the paid annual leave.

(B) TIPPED EMPLOYEE.—For the purposes of subparagraph (A), a covered employee who is a tipped employee shall be compensated, for the period that such employee is using paid annual leave earned under subsection (a)(1), at a rate equivalent to the greater of—

(i) the minimum wage required under section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a));

(ii) the applicable State minimum wage;

(iii) the applicable local minimum wage;

(iv) any other wage rate required by Federal, State, or local law; or

(v) the regular rate at which the employee is employed.

(4) LOANING OF ANNUAL LEAVE.—

(A) LOANED LEAVE.—An employer may loan paid annual leave to a covered employee for use by such covered employee in advance of the covered employee earning such paid annual leave under subsection (a)(1).

(B) USE OF LOANED LEAVE.—Except as provided in subparagraph (C), paid annual leave loaned under subparagraph (A) shall be treated as if earned under subsection (a)(1).

(C) REIMBURSEMENT FOR LOANED LEAVE.—

(i) IN GENERAL.—An employer may require a covered employee of such employer to reimburse the employer for any paid annual leave loaned under subparagraph (A) that such covered employee has not earned at the time of the termination of the employment of the covered employee.

(ii) RATE.—Reimbursement under clause (i) shall be at the applicable rate described in paragraph (3).

(5) CARRYOVER.—An employer shall permit a covered employee of such employer to carry over not more than 40 hours of any earned and unused paid annual leave under subsection (a)(1) in a 12-month

period to be used by the covered employee in the following 12-month period.

(6) INCREMENTS OF USE OF PAID ANNUAL LEAVE.—An employer shall allow any covered employee to use paid annual leave earned under subsection (a)(1) in increments of the smaller of—

(A) an hour; or

(B) the smallest increment of time that the employer's payroll system uses to account for absences or use of other time.

(7) BENEFITS RETAINED DURING LEAVE.—

(A) IN GENERAL.—An employer shall maintain any employment benefits provided to a covered employee during any period in which the covered employee takes paid annual leave, and such benefits shall be provided in the same manner as if the covered employee had continued in employment continuously for the duration of such leave.

(B) EMPLOYMENT BENEFITS.—For purposes of subparagraph (A), the term "employment benefits" has the meaning given such term in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611), except that a reference in such section to the terms employee and employer shall be considered a reference to a covered employee and employer (as such terms are defined in section 2), respectively.

(c) PROCEDURES FOR USE OF PAID ANNUAL LEAVE.—

(1) IN GENERAL.—Subject to paragraph (3), a covered employee may use paid annual leave earned under subsection (a)(1) upon a verbal or written notification by the covered employee to the employer of the covered employee as provided in paragraph (2).

(2) EMPLOYEE NOTIFICATION.—

(A) FORMAT OF NOTICE.—An employer may not specify whether the notification under paragraph (1) is provided through a verbal notice or a written notice.

(B) NOTICE SAMPLES.—The Secretary shall create samples for verbal and written notices required under paragraph (1).

(C) TIMING OF NOTICE.—A covered employee shall provide notice regarding an intent to use paid annual leave under paragraph (1) on a day that is—

(i) before the day on which the covered employee intends to use the paid annual leave; and

(ii) not more than 14 days before the day on which the covered employee intends to use the paid annual leave.

(D) EMERGENCY OR UNFORESEEABLE USE OF LEAVE.—Notwithstanding subparagraph (C), an employer shall waive any notice requirement and allow the use of paid annual leave earned under subsection (a)(1) in the case of an emergency or a situation in which a covered employee can not provide timely notice to an employer for the use the paid annual leave.

(3) REASONABLE RESTRICTIONS.—

(A) IN GENERAL.—Notwithstanding paragraph (1), an employer may—

(i) place limited, reasonable restrictions regarding the scheduling of paid annual leave earned under subsection (a)(1) for a bona fide business reason; and

(ii) reject a scheduling request under paragraph (1) for such leave for a bona fide business reason.

(B) LIMITATION ON REJECTION.—

(i) IN GENERAL.—An employer may not reject a request by a covered employee under subparagraph (A)(ii) unless the employer—

(I) provides other reasonable alternative times, as described in clause (ii), for the covered employee to schedule such leave; and

(II) complies with the notice requirement described in clause (iii).

(ii) REASONABLE ALTERNATIVES.—

(I) IN GENERAL.—A reasonable alternative time described in this clause is a date other than a date a covered employee requests to use paid annual leave that is within 30 days before or after the date requested by the covered employee.

(II) EXPIRATION OF PAID LEAVE.—An employer may not offer a reasonable alternative time described in this clause to prevent the use of paid annual leave that is set to expire.

(iii) DENIAL NOTICE.—In any case in which an employer rejects a request of a covered employee to use paid annual leave under subparagraph (A)(ii), the employer shall, not later than 5 business days after the day the covered employee made such request, provide to the covered employee a written notice—

(I) detailing the bona fide business reason for such denial; and

(II) that provides the reasonable alternative time described in clause (ii).

(4) PURPOSE OF USE OF PAID ANNUAL LEAVE.—An employer may not require a covered employee to disclose the purpose or reason for which the covered employee is using paid annual leave under subsection (a)(1).

(5) PROHIBITION ON FINDING COVER.—An employer may not require, as a condition of using paid annual leave earned under subsection (a)(1), that a covered employee search for or find a replacement to cover the hours during which the covered employee is using such paid annual leave.

(6) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall provide guidance to employers on compliance

with paragraph (3), including by defining the terms "limited, reasonable restriction" and "bona fide business reason".

(d) PROCEDURES REGARDING LEAVE FOR EMPLOYEE SEPARATION.—

(1) COMPENSATION.—In any case in which the employment of a covered employee is terminated and such covered employee has unused paid annual leave earned under subsection (a)(1) (including any leave carried over under subsection (b)(5)), the employer of the covered employee shall provide financial compensation, at the applicable rate described in subsection (b)(3), to such covered employee for all such paid annual leave earned by the covered employee that is unused as of the date of the termination.

(2) REINSTATEMENT.—If the employment of a covered employee with an employer is terminated and the covered employee is subsequently rehired by the employer within 12 months after that termination—

(A) in a case in which the covered employee had paid annual leave (other than paid annual leave earned under subsection (a)(1) and compensated for under paragraph (1)) that was not compensated for by the employer at the applicable rate described under subsection (b)(3) (as if such paid annual leave was paid annual leave earned under subsection (a)(1)), the employer shall reinstate such paid annual leave to the covered employee; and

(B) the covered employee shall be entitled to use such leave and earn additional paid annual leave under subsection (a)(1) at the recommencement of employment with the employer.

SEC. 4. EMPLOYER NOTICE AND SYSTEM REQUIREMENTS.

(a) EMPLOYER NOTICE REQUIREMENT.—An employer shall notify each covered employee of the employer about the paid annual leave policy of such employer, which shall include the information described in subsection (b), by—

(1) providing such information, in writing, to each covered employee on or before the first day of employment of such covered employee;

(2) including such information in any employee handbook; and

(3) posting a notice containing such information in a physical conspicuous place on the premises of the employer or a virtual conspicuous place, where notices to employees are customarily posted.

(b) CONTENTS.—The information provided pursuant to subsection (a) shall include—

(1) the paid annual leave policy of such employer, including any paid annual leave policy that provides paid annual leave in excess of the requirements of this Act;

(2) information—

(A) pertaining to the filing of an action under section 6;

(B) regarding the protections that a covered employee has in exercising rights under this Act; and

(C) on how the covered employee can contact the Secretary (or other appropriate authority as described in section 6) if any such rights are violated; and

(3) details of any notice requirement the employer may require, as described in section 3(c)(2).

(c) SYSTEM REQUIREMENT.—Each employer shall establish a system, such as through an online portal, written request, or through pay stubs, to inform each covered employee of the employer how much paid annual leave each covered employee has earned.

(d) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall provide guidance to employers on compliance with this section, including regarding sample notices and systems.

SEC. 5. PROHIBITED ACTS.

(a) INTERFERENCE WITH 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, including—

(1) violating any provision of section 3 or 4;

(2) discharging or discriminating against (including retaliating against) any individual, including a job applicant, for exercising or attempting to exercise, any right provided under this Act;

(3) using the taking of paid annual leave provided under this Act as a negative factor in an employment action, such as hiring, promotion, reducing hours or numbers of shifts, or a disciplinary action; or

(4) counting the use of such paid annual leave under a no-fault attendance policy or any other absence-control policy.

(b) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate against (including retaliating against) any individual, including a job applicant, because such individual—

(1) has filed an action under section 6, or has instituted or caused to be instituted any proceeding, under this Act;

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

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

(c) IMPERMISSIBLE CONSIDERATION.—A violation of subsection (a) or (b) shall be established when a complaining party demonstrates that the complaining party exercising any right provided under this Act was a motivating factor in any action described in subsection (a) or (b) against the complaining party, even if other factors also motivated the action.

SEC. 6. ENFORCEMENT AND INVESTIGATIVE AUTHORITY.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection—

(A) the term ''employee'' means a covered employee described in subparagraph (A) or (B) of section 2(2); and

(B) the term ''employer'' means an employer described in subclause (I) or (II) of section 2(3)(A)(i).

(2) INVESTIGATIVE AUTHORITY.—

(A) IN GENERAL.—To ensure compliance with 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 employers, employees, and other individuals affected by an employer.

(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 prescribed by the Secretary.

(C) REQUIRED SUBMISSIONS GENERALLY LIMITED TO AN ANNUAL BASIS.—The Secretary may not require, under the authority of this paragraph, an employer to submit to the Secretary any books or records more than once during any 12-month period, unless the Secretary has reasonable cause to believe there may exist a violation of this Act or any regulation or order issued pursuant to this Act, or is investigating a charge pursuant to paragraph (4).

(D) SUBPOENA AUTHORITY.—For the purposes of any investigation provided for in this paragraph, the Secretary shall have the subpoena authority provided for under section 9 of the Fair Labor Standards Act of 1938 (29 U.S.C. 209).

(3) PRIVATE RIGHT OF ACTION.—

(A) IN GENERAL.—An action to recover damages or equitable relief prescribed in subparagraph (B) may be maintained against any employer in any Federal or State court of competent jurisdiction by an employee or individual or a representative for and on behalf of—

(i) the employee or individual; or

(ii) the employee or individual and others similarly situated.

(B) LIABILITY.—Any employer who violates section 5 (including a violation relating to rights provided under section 3) shall be liable to any employee or individual affected—

(i) for damages equal to—

(I) the amount of—

(aa) any wages, salary, employment benefits, or other compensation denied or lost 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, any actual monetary losses sustained as a direct result of the violation up to a sum equal to 80 hours of wages or salary for the employee or individual;

(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, reinstatement, 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 witness fees, and other costs to be paid by the defendant.

(D) LIMITATIONS.—

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

(ii) WILLFUL VIOLATION.—In the case of such an action brought for a willful violation of section 5 (including a willful violation relating to rights provided under section 3), such action may be brought not later than 3 years after the last event constituting the alleged violation for which such action is brought.

(iii) COMMENCEMENT.—In determining when an action is commenced under this paragraph or paragraph (4) for the purposes of this subparagraph, the action shall be considered to be commenced on the date when the complaint is filed.

(4) ACTIONS BY THE SECRETARY.—

(A) ADMINISTRATIVE ACTIONS.—The Secretary shall receive, investigate, and attempt to resolve complaints of violations of 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 jurisdiction to recover the damages and equitable relief described in paragraph (3)(B).

(C) SUMS RECOVERED.—

(i) IN GENERAL.—Any sums recovered 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 or individual affected.

(ii) UNPAID RECOVERED SUMS.—

(I) IN GENERAL.—Any such sums not paid to an employee or individual affected because of the inability to do so within a period of 3 years after such recovery shall be deposited into the fund established under subclause (II).

(II) ESTABLISHMENT.—There is established in the Treasury of the United States a fund for amounts deposited under subclause (I).

(III) DEPOSITS.—Any sums deposited under subclause (I)—

(aa) shall be deposited in the fund established under subclause (II)—

(AA) notwithstanding section 3302 of title 31, United States Code; and

(BB) as offsetting collections; and

(bb) may be used by the Secretary for enforcement activities, including related to this Act or the Fair Labor Standards Act of 1938.

(D) 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—

(i) to restrain violations of section 5 (including a violation relating to rights provided under section 3), including the restraint of any withholding of wages, salary, employment benefits, or other compensation, plus interest, found by the court to be due to employees or individuals eligible under this Act; or

(ii) to award such other equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(E) SOLICITOR OF LABOR.—The Solicitor of Labor may appear for and represent the Secretary on any litigation brought under this paragraph.

(5) GOVERNMENT ACCOUNTABILITY OFFICE AND LIBRARY OF CONGRESS.—Notwithstanding any other provision of this section, in the case of the Government Accountability Office and the Library of Congress, the authority of the Secretary under this subsection shall be exercised respectively by the Comptroller General of the United States and the Librarian of Congress.

(b) 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 employment practice in violation of this Act against an employee described in section 2(2)(C).

(c) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY 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 defined 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 (2 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 violation of this Act against an employee described in section 2(2)(D).

(d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE 5, UNITED STATES CODE.—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 2(2)(E).

(e) REMEDIES FOR STATE EMPLOYEES.—

(1) WAIVER OF SOVEREIGN IMMUNITY.—A State's receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th Amendment to the Constitution or otherwise, to a suit brought by an employee of that program or activity under this Act for equitable, legal, or other relief authorized under this Act.

(2) OFFICIAL CAPACITY.—An official of a State may be sued in the official capacity of the official by any employee who has complied with the procedures under subsection (a)(3), for injunctive relief that is authorized under this Act. In such a suit, the court may award to the prevailing party those costs authorized by section 722 of the Revised Statutes (42 U.S.C. 1988).

(3) APPLICABILITY.—With respect to a particular program or activity, paragraph (1) applies to conduct occurring on or after the day, after the date

of enactment of this Act, on which a State first receives or uses Federal financial assistance for that program or activity.

(4) PROGRAM OR ACTIVITY DEFINED.—In this subsection, the term ''program or activity'' has the meaning given the term in section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–4a).

(f) COLLECTIVE BARGAINING AGREEMENT RESOLUTION.—In addition to the enforcement mechanisms under this section, an employee or labor organization may also use a grievance and arbitration procedure of a collective bargaining agreement to enforce collectively bargained provisions relating to paid annual leave.

SEC. 7. EFFECT ON OTHER LAWS AND EXISTING EMPLOYMENT AGREEMENTS.

(a) STATE OR LOCAL LAWS.—

(1) GREATER LEAVE RIGHTS.—Nothing in this Act shall be construed to supersede any provision of any State or local law that provides greater paid annual leave or other leave rights to covered employees or individuals than the rights established under this Act.

(2) DISTINGUISH BETWEEN TYPES OF LEAVE.—For the purposes of this subsection, a State or local law that does not distinguish between

time earned for paid annual leave and time earned for sick leave shall be deemed a law that provides lesser paid annual leave or other rights to covered employees or individuals than the rights established under this Act.

(b) MORE PROTECTIVE AGREEMENTS.—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 annual leave or other leave rights to covered employees or individuals than the rights established under this Act.

(c) LESS PROTECTIVE AGREEMENTS.—The rights established for covered employes under this Act shall not be diminished by any contract, collective bargaining agreement, or any employment program or plan.

SEC. 8. AWARENESS CAMPAIGN.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall carry out a public awareness campaign to inform the public about the earned paid annual leave entitlement established under this Act, which shall include information about—

(1) the rights provided to a covered employee under this Act; and

(2) resources available to a covered employee if the employee believes the rights provided under this Act have been violated.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 9. EFFECTIVE DATES.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act shall take effect 180 days after the date of enactment of this Act.

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

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

(2) the date of any amendment, made on or after such effective date, to such agreement; or

(3) the date that occurs 18 months after such effective date.

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