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PROPOSED LEGISLATION:
"FAMILY-FRIENDLY WORKPLACE ACT OF 1996"

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A DRAFT OF PROPOSED LEGISLATION ENTITLED, "FAMILY-FRIENDLY WORKPLACE ACT OF 1996"



SEPTEMBER 27, 1996.—Message and accompanying papers referred to the Committee on Economic and Educational Opportunities and ordered to be printed

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To the Congress of the United States:

I am pleased to transmit today for consideration and passage the "Family-Friendly Workplace Act of 1996." Also transmitted is a section-by-section analysis. This legislative proposal is vital to American workers, offering them a meaningful and flexible opportunity to balance successfully their work and family responsibilities.

The legislation would offer workers more choice and flexibility in finding ways to earn the wages they need to support their families while also spending valuable time with their families. In particular, the legislation would allow eligible employees who work overtime to receive compensatory time off—with a limit of up to 80 hours per year—in lieu of monetary compensation. In addition, the legislation contains explicit protections against coercion by employers and abuses by unstable or unscrupulous businesses.

The legislation also would amend the Family and Medical Leave Act of 1993. This statute currently allows eligible workers at businesses with 50 or more employees to take up to 12 weeks of unpaid, job-protected leave to care for a newborn child, attend to their own serious health needs, or care for a seriously ill parent, child, or spouse. Although enactment of this statute was a major step forward in helping families balance work and family obligations, the law does not address many situations that working families typically confront. The enclosed legislation would cover more of these situations, thereby enhancing workers' ability to balance their need to care for their children and elderly relatives without sacrificing their employment obligations. Under the expanded law, workers could take up to 24 hours of unpaid leave each year to fulfill additional, specified family obligations, which would include participating in school activities that relate directly to the academic advancement of their children, accompanying children or elderly relatives to routine medical appointments, and attending to other health or care needs of elderly relatives.

I urge the Congress to give this legislation favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 27, 1996.*

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SECTION-BY-SECTION ANALYSIS
"FAMILY-FRIENDLY WORKPLACE ACT OF 1996"

SECTION 1. SHORT TITLE.

TITLE I--COMPENSATORY TIME

SECTION 101. IN GENERAL.

Section 101 adds the following subsections to section 7 of the Fair Labor Standards Act:

Subsection 7(r)(1) to allow compensatory time in lieu of paid overtime compensation in the private sector, except for temporary, part-time and seasonal workers, and employees in the garment industry.

Subsection 7(r)(2) to restrict the availability of compensatory time to those employers that (1) have a written agreement with an employee representative, or (2) where there is no such representative, establish a written plan that provides employees with a voluntary option to receive compensatory time upon written request by the employee prior to performing the overtime work. Also, an employer may only offer compensatory time if acceptance of compensatory time is not a condition of employment and if it offers compensatory time to similarly-situated employees on an equal basis.

Subsection 7(r)(3)(A) to limit the total amount of compensatory time that can be earned by employees to 80 hours per year. The employer shall regularly report to the employee the number of compensatory hours earned and used.

Subsection 7(r)(3)(B) to allow employees to receive cash for their earned compensatory time 15 days after they request it, at their regular rate when earned or when cashed out, whichever is higher (the "cash out" rate).

Subsection 7(r)(3)(C) to require employers to cash out each employee's earned compensatory time for the preceding calendar year at the cash out rate not later than January 31 of each year (or 31 days after an alternative 12-month period), although an employee may request in writing not to receive this end-of-year payout.

Subsection 7(r)(3)(D) to grant the Secretary the authority to issue rules to restrict the availability and use of compensatory time by occupation or industry.

Subsection 7(r)(4) to provide that any employee who terminates employment, voluntarily or involuntarily, shall have earned compensatory time paid at the cash out rate. This provision also prohibits such cashing out from being used by the employer to oppose an employee's application for unemployment

compensation or being used by a State to deny or diminish the employee's entitlement to unemployment compensation.

Subsection 7(r)(5) to set forth the following circumstances under which an employee may use earned compensatory time: (1) for any reason that would qualify for leave under the Family and Medical Leave Act or comparable State law; (2) for any other purpose (a) upon at least two weeks notice, unless use of the compensatory time would likely cause substantial and grievous injury to the employer's operations or (b) upon less than two weeks notice, unless the employee's use of the compensatory time would unduly disrupt the operations of the employer. Also, an employee's use of compensatory time may not be substituted by the employer for any other leave to which the employee is or would be entitled, or has or would have earned.

Subsection 7(r)(6) to prohibit an employer from requiring an employee to use earned compensatory time.

Subsection 7(r)(7) to provide that monetary compensation received for cashing out earned compensatory time shall be treated as compensation for hours worked for purposes of calculating entitlement to employee benefits, and that use of earned compensatory time shall be treated as hours worked for purposes of overtime and calculating entitlement to employee benefits.

Subsection 7(r)(8) to provide that an employer may terminate or modify a compensatory time plan only upon 60 days notice to employees.

Subsection 7(r)(9) to provide that an employer may not pay monetary compensation in lieu of earned compensatory time except as expressly provided in this subsection.

Subsection 7(r)(10) to make it an unlawful act of discrimination under Section 15(a)(3) of the FLSA for an employer to (1) discriminate against an employee who may refuse or has refused to request or accept compensatory time in lieu of cash overtime or may request to use or has used compensatory time in lieu of cash overtime; (2) request an employee to accept compensatory time in lieu of cash overtime, require an employee to request compensatory time as a condition of employment, or qualify the availability of overtime work on a request for or acceptance of compensatory time; or (3) deny an employee the right to use or force an employee to use earned compensatory time.

Subsection 7(r)(11) to state that any employer that violates any provision of subsection 7(r) shall be liable, in a suit brought by an employee under Section 16(b) or the Secretary under Section 16(c), for wages and liquidated damages and such other

legal or equitable relief as may be appropriate.

Subsection 7(r)(12) to provide that for purposes of bankruptcy, the value of earned compensatory time shall be treated as wages earned when cash out was due.

Subsection 7(r)(13) to provide definitions for the terms "overtime compensation," "compensatory time and compensatory time off," "part-time, temporary or seasonal employees" (including in agriculture and the construction industry), and "overtime assignment."

Subsection 7(r)(14) to grant the Secretary rulemaking authority, including issuing rules on recordkeeping, the contents of employer plans and employee notification.

Sec. 102. CIVIL MONEY PENALTIES.

Subsection 16(e) of the FLSA is amended to provide that civil money penalties not to exceed $1000 per violation would be available for any violation of Sections 6, 7 or 11(c) of the FLSA.

Sec. 103. CONSTRUCTION.

Section 18 of the FLSA is amended to provide that no provision of this Act shall be construed to: (1) supersede any State laws that provide greater protection to employees provided compensatory time; (2) diminish the obligation of an employer to comply with a collective bargaining agreement or benefit plan that provides greater protection to employees provided compensatory time; or (3) discourage employers from adopting or retaining compensatory time plans that provide more protection to employees.

Sec. 104. COMMISSION ON WORKPLACE FLEXIBILITY.

Section 104 establishes a Commission on Workplace Flexibility to conduct a study of the impact of this section of the Act on employees, including vulnerable workers, and to submit a report to Congress and the Secretary of Labor not later than one year before the expiration of the Act.

Sec. 105. EFFECTIVE DATES.

Subsection 105(a). The provisions of **TITLE I** are effective on January 1, 1997.

Subsection 105(b). The provisions of **TITLE I** expire four years after enactment.

TITLE II--PARENTAL INVOLVEMENT AND ELDER-CARE LEAVE

Sec. 201. GENERAL REQUIREMENTS FOR LEAVE.

Section 201 amends the Family and Medical Leave Act (FMLA) of 1993, with respect to non-Federal workplaces, as follows:

(a) LEAVE REQUIREMENT.

Section 102(a)(3)(A) to allow eligible employees a total of 24 hours of unpaid "Parental Involvement and Elder-Care Leave" during any 12-month period to:

> (i) participate in school activities directly related to their child's educational advancement, such as parent-teacher conferences; (ii) accompany their child to routine medical appointments; and (iii) accompany their elderly relative to appointments for routine medical services or other professional services related to the elder's care.

Section 102(a)(3)(B) to define the terms "school" and "elderly relative."

(b) SCHEDULE.

Section 102(b)(1) is amended by adding that the expanded leave entitlements provided under subsection 102(a)(3) may be taken intermittently or on a reduced leave schedule.

(c) SUBSTITUTION OF PAID LEAVE.

Section 102(d)(2)(A) is amended by adding that an employee may elect to substitute, or an employer may require the employee to substitute, the employee's accrued paid vacation, personal or family leave for the expanded leave entitlements provided under subsection 102(a)(3).

(d) NOTICE.

Section 102(e)(3) provides notice requirements for the expanded leave entitlements provided under subsection 102(a)(3): at least 7 days if the need for leave is foreseeable; as soon as practicable if not foreseeable.

(e) CERTIFICATION.

Section 103(f) provides that an employer may require an employee to submit a certification in support of a request for the expanded leave entitlements provided under subsection 102(a)(3).

SECTION 202. LEAVE FOR CIVIL SERVICE EMPLOYEES.

Section 202 amends the codification of FMLA in Title 5 of the United States Code, with respect to Federal workplaces, as follows:

(a) LEAVE REQUIREMENT.

Section 6382(a)(3)(A) to allow civil service employees a total of 24 hours of unpaid "Parental Involvement and Elder-Care Leave" during any 12-month period to:

(i) participate in school activities directly related to their child's educational advancement, such as parent-teacher conferences; (ii) accompany their child to routine medical appointments; and (iii) accompany their elderly relative to appointments for routine medical services or other professional services related to the elder's care.

Section 6382(a)(3)(B) to define the terms "school" and "elderly relative."

(b) SCHEDULE.

Section 6382(b)(1) is amended by adding that the expanded leave entitlements provided under section 6382(a)(3) may be taken intermittently or on a reduced leave schedule.

(c) SUBSTITUTION OF PAID LEAVE.

Section 6382(d) is amended by adding that an employee may substitute the employee's accrued or accumulated annual leave for the expanded leave entitlements provided under section 6382(a)(3).

(d) NOTICE.

Section 6382(e)(1) is amended to provide notice requirements for the expanded leave entitlements provided under section 6382(a)(3): at least 7 days if the need for leave is foreseeable; as soon as practicable if not foreseeable.

(e) CERTIFICATION.

Section 6383(f) provides that an employee may be required to submit a certification in support of a request for the expanded leave entitlements provided under section 6382(a)(3).

SECTION 203. EFFECTIVE DATE.

Section 203. The provisions of TITLE II are effective 120 days after the date of enactment.

A BILL

To establish a system that offers workers more choice and flexibility in balancing their work and family obligations, by allowing employees who work overtime to choose to receive paid time off in lieu of monetary compensation and by allowing eligible employees of covered employers to take additional unpaid, job-protected leave for specified parental and elder care purposes, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family-Friendly Workplace Act of 1996".

TITLE I--COMPENSATORY TIME

Sec. 101. IN GENERAL.

Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended to add a new subsection (r) to read as follows:

"(r)(1) An employee who is not a part-time, temporary, or seasonal employee as defined in subparagraph (13)(C) of this subsection, who is not an employee of a public agency or of an employer in the garment industry, and who is not otherwise exempted from this subsection by regulations issued by the Secretary of Labor pursuant to subparagraph (3)(D) of this subsection, may receive, in accordance with this subsection and in lieu of

monetary overtime compensation, compensatory time off at a rate not less than 1 1/2 hours for each hour of employment for which overtime is required by this section.

"(2) An employer may provide compensatory time to an eligible employee under paragraph (1) only

"(A) pursuant to --

"(i) applicable provisions of a collective bargaining agreement, memorandum of understanding or any other written agreement between the employer and representative of such employees; or

"(ii) in the case of employees who are not represented by a collective bargaining agent or other representative designated by the employee, a plan adopted by the employer and provided in writing to its employees which provides employees with a voluntary option to receive compensatory time off for overtime work where there is an express, voluntary written request by an individual employee for compensatory time off in lieu of overtime pay, provided to the employer prior to the performance of any overtime assignment; and

"(B) if the employee has not earned compensatory time in excess of the applicable limit prescribed by subparagraph (3)(A) or in regulations issued by the Secretary pursuant to subparagraph (3)(D); and

"(C) if the employee is not required as a condition of employment to accept or request compensatory time; and

"(D) if the agreement or plan complies with the requirements of this subsection and the regulations issued by the Secretary thereunder, including the availability of compensatory time to similarly-situated employees on an equal basis.

"(3)(A) An employee may earn not more than a total of 80 hours of compensatory time in any year or alternative 12-month period designated pursuant to subparagraph (C). The employer shall regularly report to the employee on the number of compensatory hours earned by the employee and the total amount of the employee's earned and unused compensatory time, in accordance with regulations issued by the Secretary of Labor.

"(B) Upon the request of an employee who has earned compensatory time, the employer shall, within 15 days following the request, provide monetary compensation for any such compensatory time at a rate not less than the regular rate earned by the employee at the time the employee

performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher.

"(C) Not later than January 31 of each calendar year, each employer shall provide monetary compensation to each employee for any compensatory time earned during the preceding calendar year for which the employee has not already received monetary compensation (either through paid time off or cash payment) at a rate not less than the regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher. An agreement or plan under paragraph (2) may designate a 12-month period other than the calendar year, in which case such compensation shall be provided not later than 31 days after the end of such 12-month period. An employee may voluntarily, at the employee's own initiative, request in writing that such end-of-year payment of monetary compensation for earned compensatory time be delayed for a period not to exceed three months. This subparagraph shall have no effect on the limit on earned compensatory time set forth in subparagraph (A) of this paragraph or in regulations issued by the Secretary pursuant to subparagraph (D).

"(D) The Secretary may issue regulations regarding classes of employees, including but not limited to all employees in particular occupations or industries, to

"(i) exempt such employees from the provisions of this subsection;

"(ii) limit the number of compensatory hours that such employees may earn to less than the number provided in subparagraph (A) of this paragraph; or

"(iii) require employers to provide such employees with monetary compensation for earned compensatory time at more frequent intervals than specified in subparagraph (C) of this paragraph,

where the Secretary has determined that such regulations are necessary or appropriate to protect vulnerable employees; where a pattern of violations of the Act may exist; or otherwise to assure that employees receive the compensation due them.

"(4) An employee who has earned compensatory time authorized to be provided under paragraph (1) shall, upon the voluntary or involuntary termination of employment or upon expiration of this subsection, be paid for unused compensatory time at a rate of compensation not less than the

regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher. A terminated employee's receipt of or eligibility to receive monetary compensation for earned compensatory time shall not be used

"(A) by the employer to oppose an employee's application for unemployment compensation or

"(B) by a State to deny unemployment compensation or diminish an employee's entitlement to unemployment compensation benefits.

"(5) An employee shall be permitted to use any compensatory time earned pursuant to paragraph (1):

"(A) for any reason which would qualify for leave under § 102(a) of the Family and Medical Leave Act, 29 U.S.C. 2612(a), or any comparable State law, irrespective of whether the employer is covered or the employee is eligible under such laws; or

"(B) for any other purpose

"(i) upon notice to the employer at least two weeks prior to the date(s) on which the time off is to be used, unless use of

the compensatory time at that time will cause substantial and grievous injury to the employer's operations; or

"(ii) upon notice to the employer within the two weeks prior to the date(s) on which the time off is to be used unless use of the compensatory time at that time will unduly disrupt the operations of the employer.

An employee's use of earned compensatory time may not be substituted by the employer for any other paid or unpaid leave or time off to which the employee otherwise is or would be entitled or has or would earn, nor satisfy any legal obligation of the employer to the employee pursuant to any law or contract.

"(6) An employee shall not be required by the employer to use any compensatory time earned pursuant to paragraph (1).

"(7) When an employee receives monetary compensation for earned compensatory time, the compensation shall be treated as compensation for hours worked for purposes of calculation of entitlement to employment benefits. When an employee uses earned compensatory time off, the employee shall be paid for the time off at the employee's regular rate at the time the employee performed the overtime work or at the employee's regular rate when the time off is taken, whichever is higher, and the hours

for which the employee is so compensated shall be treated as hours worked during the applicable workweek or other work period for purposes of overtime compensation and calculation of entitlement to employment benefits.

"(8) Except where there is a collective bargaining agreement, an employer may modify or terminate a compensatory time plan upon not less than 60 days notice to employees.

"(9) An employer may not pay monetary compensation in lieu of earned compensatory time except as expressly prescribed in this subsection.

"(10) It shall be an unlawful act of discrimination, within the meaning of § 15(a)(3), for an employer

"(A) to discharge or in any other manner penalize, discriminate against or interfere with any employee because such employee may refuse or has refused to request or accept compensatory time off in lieu of overtime pay, or because such employee may request to use or has used compensatory time off in lieu of overtime pay; or

"(B) to request, directly or indirectly, that an employee accept compensatory time off in lieu of overtime pay, to require an employee to request such compensatory time as a condition of employment or as

a condition of employment rights or benefits, or to qualify the availability of work for which overtime compensation is required upon an employee's request for or acceptance of compensatory time off in lieu of overtime compensation; or

"(C) to deny an employee the right to use or force an employee to use earned compensatory time in violation of this subsection.

"(11) An employer who violates any provision of this subsection shall be liable, in an action brought pursuant to §§ 16(b) or 16(c) of the Act, in the amount of overtime compensation that would have been paid for the overtime hours worked or overtime hours that would have been worked, plus an additional equal amount as liquidated damages, such other legal or equitable relief as may be appropriate to effectuate the purpose of this section, costs, and, in the case of an action filed under § 16(b), reasonable attorney's fees. Where an employee has used compensatory time off or received monetary compensation for earned compensatory time for such overtime hours worked, the amount of such time used or monetary compensation paid to the employee shall be offset against the employer's liability under this paragraph, but not against liquidated damages due.

"(12) The entire liquidated value of an employee's accumulated compensatory time, calculated as provided for in this subsection, shall, for

purposes of proceedings in bankruptcy under title 11 of the United States Code, be treated as unpaid wages earned by the individual as of

"(A) the date the employer was legally or contractually obligated to provide monetary compensation to the employee for the compensatory time, or

"(B) if the employer was not legally or contractually obligated to provide such monetary compensation prior to filing a petition for bankruptcy or ceasing to do business, the date of filing such petition or ceasing to do business, whichever is earlier.

"(13) For purposes of this subsection --

"(A) the term `overtime compensation' means the compensation required by subsection (a);

"(B) the terms `compensatory time' and `compensatory time off' mean hours during which an employee is not working and for which the employee is compensated in accordance with this subsection in lieu of monetary overtime compensation;

"(C) the term `part-time, temporary, or seasonal employee' means:

"(i) an employee whose regular workweek for the employer is less than 35 hours per week; or

"(ii) an employee who is employed by the employer for a season or other term of less than twelve months or is otherwise treated by the employer as not a permanent employee of the employer; or

"(iii) an employee in the construction industry, in agricultural employment (as defined by § 3(3) of the Migrant and Seasonal Agricultural Worker Protection Act, as amended, 29 U.S.C. 1802(3)), or in any other industry which the Secretary by regulation has determined is a seasonal industry.

"(D) the term `overtime assignment' means an assignment of hours for which overtime compensation is required under this section.

"(14) The Secretary may issue regulations as necessary and appropriate to implement this subsection including, but not limited to, regulations implementing recordkeeping requirements and prescribing the content of plans and employee notification.".

Sec. 102. CIVIL MONEY PENALTIES.

Subsection 16(e) of the Fair Labor Standards Act, 29 U.S.C. 216(e), is amended by modifying the second sentence in that subsection as follows: "Any person who violates section 206, 207 or 211(c) of this Act shall be subject to a civil penalty not to exceed $1000 for each such violation.".

Sec. 103. CONSTRUCTION.

Section 18 of the Fair Labor Standards Act, 29 U.S.C. 218, is amended by designating existing § 18 as subsection (a) and by adding a new subsection (b) to read as follows:

"(b)(1) No provision of this Act or of any order thereunder shall be construed to

"(A) supersede any provision of any State or local law that provides greater protection to employees who are provided compensatory time off in lieu of paid overtime compensation;

"(B) diminish the obligation of an employer to comply with any collective bargaining agreement or any employment benefit program or plan that provides greater protection to employees provided compensatory time off in lieu of paid overtime; or

"(C) discourage employers from adopting or retaining compensatory time plans that provide more protection to employees.

"(2) Nothing in this subsection shall be construed to allow employers to provide compensatory time plans to classes of employees who are exempted from subsection 7(r), to allow employers to provide more compensatory time than allowed under subsection 7(o) or (r), or to supersede any limitations placed by subsection 7(o) or (r), including

exemptions and limitations in regulations issued by the Secretary thereunder.".

Sec. 104. COMMISSION ON WORKPLACE FLEXIBILITY.

(a) ESTABLISHMENT.--There is established a Commission on Workplace Flexibility (the "Commission"). The members of the Commission shall be selected in accordance with the procedures set forth in § 303 of the Family and Medical Leave Act, 29 U.S.C. 2633, and the compensation and powers of the Commission shall be as prescribed in §§ 304 and 305 of that Act, 29 U.S.C. 2634 and 2635.

(b) DUTIES.--The Commission shall conduct a comprehensive study of the impact of compensatory time on public and private sector employees including, but not limited to, the impact of the law on average earnings, hours of work, work schedules, and flexibility of scheduling work to accommodate family needs, and on the ability of vulnerable employees or other employees to obtain the compensation to which they are entitled. A report concerning the findings of the study shall be submitted to the appropriate Committees of Congress and to the Secretary not later than one year before the expiration of this title. The report shall include recommendations as to whether the compensatory time provisions of the Fair Labor Standards Act should be modified or extended, including a

recommendation as to whether particular classes of employees or industries should be exempted or otherwise given special treatment, and whether additional protections should be given, including to employees of public agencies. The Commission shall have no obligation to conduct a study and issue a report pursuant to this section if funds are not authorized and appropriated for that purpose.

Sec. 105. EFFECTIVE DATES.

(a) EFFECTIVE DATE.--The provisions of this title shall become effective on January 1, 1997.

(b) SUNSET.--The provisions of this title shall expire four years after enactment.

TITLE II--PARENTAL INVOLVEMENT AND ELDER-CARE LEAVE

Sec. 201. GENERAL REQUIREMENTS FOR LEAVE.

(a) ENTITLEMENT TO LEAVE.--Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(3) ENTITLEMENT TO PARENTAL INVOLVEMENT AND ELDER-CARE LEAVE.--

"(A) IN GENERAL.--Subject to section 103(f), an eligible employee shall be entitled to a total of 24 hours of leave during any 12-month period, in addition to leave available under paragraph (1), to:

"(i) participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a new school;

"(ii) accompany the son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations; and,

"(iii) accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes.

"(B) DEFINITIONS.-- As used in this paragraph:

"(i) SCHOOL.--The term 'school' means an elementary school or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary

Education Act of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility licensed under State law.

"(ii) ELDERLY RELATIVE.--The term 'elderly relative' means an individual of at least 60 years of age who is related by blood or marriage to the employee, including a parent.".

(b) SCHEDULE.--Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.".

(c) SUBSTITUTION OF PAID LEAVE.--Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting before the period the following: ", or for leave provided under subsection (a)(3) for any part of the 24-hour period of such leave under such subsection".

(d) NOTICE.--Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

"(3) NOTICE FOR PARENTAL INVOLVEMENT AND ELDER-CARE LEAVE.--If the necessity for leave under subsection (a)(3) is

foreseeable, the employee shall provide the employer with not less than 7 days notice before the date the leave is to begin. If the necessity for leave is not foreseeable, the employee shall provide such notice as is practicable.".

(e) CERTIFICATION.--Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) CERTIFICATION FOR PARENTAL INVOLVEMENT AND ELDER-CARE LEAVE.--An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.".

SEC. 202. LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) ENTITLEMENT TO LEAVE.--Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

"(3)(A) Subject to section 6383(f), an employee shall be entitled to a total of 24 hours of leave during any 12-month period, in addition to leave available under paragraph (1), to:

"(i) participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a new school;

"(ii) accompany the son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations; and,

"(iii) accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes.

"(B) DEFINITIONS.-- As used in this paragraph:

"(i) SCHOOL.--The term 'school' means an elementary school or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility licensed under State law.

"(ii) ELDERLY RELATIVE.--The term 'elderly relative' means an individual of at least 60 years of age who is related by blood or marriage to the employee, including a parent.".

(b) SCHEDULE.--Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.".

(c) SUBSTITUTION OF PAID LEAVE.--Section 6382(d) of such title is amended by inserting before ", except" the following: ", or for leave provided under subsection (a)(3) any of the employee's accrued or accumulated annual leave under subchapter I for any part of the 24-hour period of such leave under such subsection".

(d) NOTICE.--Section 6382(e)(1) of such title is amended by adding at the end the following: "If the necessity for leave under subsection (a)(3) is foreseeable, the employee shall provide the employer with not less than 7 days notice before the date the leave is to begin. If the necessity for leave is not foreseeable, the employee shall provide such notice as is practicable.".

(e) CERTIFICATION.--Section 6383 of such title is amended by adding at the end the following:

"(f) CERTIFICATION.--An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.".

SEC. 203. EFFECTIVE DATE.--The provisions of this title shall become effective 120 days after the date of enactment.

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