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H. R. 4575

To provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families.

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2004

Ms. DELAURO (for herself, Ms. BALDWIN, Mrs. CHRISTENSEN, Mr. McNULTY, Mr. WAXMAN, Ms. SOLIS, Mr. McDERMOTT, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. ENGEL, Mr. OWENS, Ms. NORTON, Mr. TOWNS, Mr. RANGEL, Ms. CORRINE BROWN of Florida, Mr. KUCINICH, Mr. GRIJALVA, Mr. DELAHUNT, Mr. SERRANO, Mr. LANTOS, Mr. WYNN, Mr. OBERSTAR, Mr. GUTIERREZ, Mr. BACA, Mr. HASTINGS of Florida, Ms. KILPATRICK, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. MCGOVERN, Mr. MEEKS of New York, Ms. WATERS, Mr. BRADY of Pennsylvania, Ms. LEE, Mr. EVANS, Mr. GEORGE MILLER of California, Ms. MCCOLLUM, Mrs. MCCARTHY of New York, Ms. MILLENDER-MCDONALD, Mrs. MALONEY, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. KILDEE, Mr. EMANUEL, Mr. SANDLIN, Ms. MCCARTHY of Missouri, Mr. BROWN of Ohio, Mr. STARK, Ms. WOOLSEY, and Mr. LARSON of Connecticut) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on 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 provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families.

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 “Healthy Families Act”.

5 **SEC. 2. FINDINGS.**

6 Congress makes the following findings:

7 (1) Working Americans need to take time off
8 for their own health care needs or to perform essen-
9 tial caretaking responsibilities for a wide range of
10 family members, including, among others, their chil-
11 dren, spouse, parents, and parents-in-law, and other
12 children and adults for whom they are caretakers.

13 (2) Health care needs include preventive health
14 care, diagnostic procedures, medical treatment, and
15 recovery in response to short- and long-term ill-
16 nesses and injuries.

17 (3) Providing employees time off to tend to
18 their own health care needs ensures that they will be
19 healthier in the long run. Preventive care helps avoid
20 illnesses and injuries and routine medical care helps
21 detect illnesses early and shorten the duration of ill-
22 nesses.

23 (4) When parents are available to care for their
24 children who become sick, the children’s recovery is
25 faster, more serious illnesses are prevented, and the

1 children's overall mental and physical health is im-
2 proved. Parents who cannot afford to miss work and
3 must send children with a contagious illness to child
4 care or school contribute to the high rate of infec-
5 tions in child care centers and schools.

6 (5) Routine medical care results in savings by
7 decreasing medical costs by detecting and treating
8 illness and injury early, decreasing the need for
9 emergency care. These savings benefit public and
10 private payers of health insurance, including private
11 businesses.

12 (6) The provision of individual and family sick
13 leave by large and small businesses, both here in the
14 United States and elsewhere, demonstrates that pol-
15 icy solutions are both feasible and affordable in a
16 competitive economy. Measures that ensure that em-
17 ployees are both in good health themselves and do
18 not need to worry about unmet family health prob-
19 lems help businesses by promoting productivity and
20 reducing employee turnover.

21 (7) The absence of sick leave has forced Ameri-
22 cans to make untenable choices between needed in-
23 come and jobs on the one hand and caring for their
24 own and their family's health on the other.

1 (8) The majority of middle income Americans
2 lack paid leave for self-care or to care for a family
3 member. Low-income Americans are significantly
4 worse off. Of the poorest families (the lowest quar-
5 tile), 76 percent lack regular sick leave. For families
6 in the next 2 quartiles, 63 percent and 54 percent,
7 respectively lack regular sick leave. Even in the
8 highest income quartile, 40 percent of families lack
9 regular sick leave. Less than 1/2 of workers who have
10 paid sick leave can use it to care for ill children.

11 (9) It is in the national interest to ensure that
12 Americans from all demographic groups can care for
13 their own health and the health of their families
14 while prospering at work.

15 (10) Due to the nature of the roles of men and
16 women in society, the primary responsibility for fam-
17 ily caretaking often falls on women, and such re-
18 sponsibility affects the working lives of women more
19 than it affects the working lives of men.

20 (11) Although women are still primarily respon-
21 sible for family caretaking, an increasing number of
22 men are taking on caretaking obligations, and men
23 who request leave time for caretaking purposes are
24 often penalized because of stereotypes that care-
25 taking is only “women’s work”.

1 (12) Employers’ reliance on persistent stereo-
2 types about the “proper” roles of both men and
3 women in the workplace and in the home hurts both
4 men and women.

5 (13) Employment standards that apply to only
6 one gender have serious potential for encouraging
7 employers to discriminate against employees and ap-
8 plicants for employment who are of that gender.

9 **SEC. 3. PURPOSES.**

10 The purposes of this Act are—

11 (1) to ensure that all working Americans can
12 address their own health needs and the health needs
13 of their families by requiring employers to provide a
14 minimum level of paid sick leave including leave for
15 family care;

16 (2) to diminish public and private health care
17 costs by enabling workers to seek early and routine
18 medical care for themselves and their family mem-
19 bers;

20 (3) to accomplish the purposes described in
21 paragraphs (1) and (2) in a manner that is feasible
22 for employers;

23 (4) to accomplish the purposes described in
24 paragraphs (1) and (2) in a manner that, consistent
25 with the portion of the 14th amendment to the Con-

1 stitution relating to equal protection of the laws,
2 minimizes the potential for employment discrimina-
3 tion on the basis of sex by ensuring generally that
4 leave is available for eligible medical reasons on a
5 gender-neutral basis; and

6 (5) to promote the goal of equal employment
7 opportunity for women and men, pursuant to such
8 clause.

9 **SEC. 4. DEFINITIONS.**

10 In this Act:

11 (1) CHILD.—The term “child” means a biologi-
12 cal, foster, or adopted child, a stepchild, a legal
13 ward, or a child of a person standing in loco
14 parentis, who is—

15 (A) under 18 years of age; or

16 (B) 18 years of age or older and incapable
17 of self-care because of a mental or physical dis-
18 ability.

19 (2) EMPLOYEE.—The term “employee” means
20 an individual—

21 (A) who is—

22 (i)(I) an employee (including an appli-
23 cant), as defined in section 3(e) of the Fair
24 Labor Standards Act of 1938 (29 U.S.C.
25 203(e)), who is not covered under clause

1 (v), including such an employee of the Li-
2 brary of Congress, except that a reference
3 in such section to an employer shall be
4 considered to be a reference to an employer
5 described in clauses (i)(I) and (ii) of para-
6 graph (3)(A); or

7 (II) an employee (including an appli-
8 cant) of the General Accounting Office;

9 (ii) a State employee (including an ap-
10 plicant) described in section 304(a) of the
11 Government Employee Rights Act of 1991
12 (42 U.S.C. 2000e–16c(a));

13 (iii) a covered employee (including an
14 applicant), as defined in section 101 of the
15 Congressional Accountability Act of 1995
16 (2 U.S.C. 1301);

17 (iv) a covered employee (including an
18 applicant), as defined in section 411(c) of
19 title 3, United States Code; or

20 (v) an employee or applicant to which
21 section 717(a) of the Civil Rights Act of
22 1964 (42 U.S.C. 2000e–16(a)) applies,
23 other than an employee or applicant of the
24 General Accounting Office or the Library
25 of Congress; and

1 (B) who, on a year-round basis, regularly
2 works at least 20 hours per week or, in the al-
3 ternative, at least 1,000 hours per year.

4 (3) EMPLOYER.—

5 (A) IN GENERAL.—The term “employer”
6 means a person who is—

7 (i)(I) an employer (as defined in sec-
8 tion 101(4) of the Family and Medical
9 Leave Act of 1993 (29 U.S.C. 2611(4))),
10 who is not covered under clause (v), includ-
11 ing the General Accounting Office and the
12 Library of Congress, except that a ref-
13 erence in such section to 50 or more em-
14 ployees shall be considered to be a ref-
15 erence to 15 or more employees;

16 (II) an entity employing a State em-
17 ployee described in section 304(a) of the
18 Government Employee Rights Act of 1991;

19 (III) an employing office, as defined
20 in section 101 of the Congressional Ac-
21 countability Act of 1995;

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

1 (V) an entity to which section 717(a)
2 of the Civil Rights Act of 1964 applies,
3 other than the General Accounting Office
4 or the Library of Congress; and

5 (ii) is engaged in commerce (including
6 government), in the production of goods
7 for commerce, or in an enterprise engaged
8 in commerce (including government) or in
9 the production of goods for commerce.

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

13 (4) EMPLOYMENT BENEFITS.—The term “em-
14 ployment benefits” has the meaning given the term
15 in section 101 of the Family and Medical Leave Act
16 of 1993 (29 U.S.C. 2611).

17 (5) HEALTH CARE PROFESSIONAL.—The term
18 “health care professional” has the meaning given the
19 term “health care provider” in section 101 of the
20 Family and Medical Leave Act of 1993 (29 U.S.C.
21 2611).

22 (6) PARENT.—The term “parent” means a bio-
23 logical, foster, or adoptive parent of an employee, a
24 stepparent of an employee, or a legal guardian or

1 other person who stood in loco parentis to an em-
2 ployee when the employee was a child.

3 (7) PRO RATA.—The term “pro rata”, with re-
4 spect to benefits offered to part-time employees,
5 means the proportion of each of the benefits offered
6 to full-time employees that are offered to part-time
7 employees that, for each benefit, is equal to the ratio
8 of part-time hours worked to full-time hours worked.

9 (8) SECRETARY.—The term “Secretary” means
10 the Secretary of Labor.

11 (9) SICK LEAVE.—The term “sick leave” means
12 an increment of compensated leave provided by an
13 employer to an employee as a benefit of employment
14 for use by the employee during an absence from em-
15 ployment for any of the reasons described in para-
16 graphs (1) through (4) of section 5(d).

17 (10) SPOUSE.—The term “spouse”, with re-
18 spect to an employee, has the meaning given such
19 term by the marriage laws of the State in which the
20 employee resides.

21 **SEC. 5. PROVISION OF PAID SICK LEAVE.**

22 (a) IN GENERAL.—An employer shall provide for
23 each employee employed by the employer not less than—

24 (1) 7 days of sick leave with pay annually for
25 employees working 30 or more hours per week; or

1 (2) a pro rata number of days of sick leave with
2 pay annually for employees working less than—

3 (A) 30 hours per week on a year-round
4 basis; or

5 (B) 1,500 hours throughout the year in-
6 volved.

7 (b) ACCRUAL.—Sick leave provided for under this
8 section shall accrue as determined appropriate by the em-
9 ployer, but not on less than a quarterly basis. Leave may
10 be used as accrued or may be loaned by the employer to
11 the employee in advance of accrual by such employee.

12 (c) CALCULATION.—

13 (1) LESS THAN A FULL WORKDAY.—Unless the
14 employer and employee agree to designate otherwise,
15 for periods of sick leave that are less than a normal
16 workday, that leave shall be counted—

17 (A) on an hourly basis; or

18 (B) in the smallest increment that the em-
19 ployer's payroll system uses to account for ab-
20 sences or use of leave.

21 (2) VARIABLE SCHEDULE.—If the schedule of
22 an employee varies from week to week, a weekly av-
23 erage of the hours worked over the 12-week period
24 prior to the beginning of a sick leave period shall be
25 used to calculate the employee's normal workweek

1 for the purpose of determining the amount of sick
2 leave to which the employee is entitled.

3 (d) USES.—Sick leave accrued under this section may
4 be used by an employee for any of the following:

5 (1) An absence resulting from a physical or
6 mental illness, injury, or medical condition of the
7 employee.

8 (2) An absence resulting from obtaining profes-
9 sional medical diagnosis or care, or preventive med-
10 ical care, for the employee subject to the require-
11 ment of subsection (e).

12 (3) An absence for the purpose of caring for a
13 child, a parent, a spouse, or any other individual re-
14 lated by blood or affinity whose close association
15 with the employee is the equivalent of a family rela-
16 tionship, who has—

17 (A) any of the conditions or needs for di-
18 agnosis or care described in paragraph (1) or
19 (2); and

20 (B) in the case of someone who is not a
21 child, is otherwise in need of care.

22 (e) SCHEDULING.—An employee shall make a reason-
23 able effort to schedule leave under paragraphs (2) and (3)
24 of subsection (d) in a manner that does not unduly disrupt
25 the operations of the employer.

1 (f) CERTIFICATION.—

2 (1) IN GENERAL.—Paid sick leave shall be pro-
3 vided upon the oral or written request of an em-
4 ployee. Such request shall—

5 (A) include a reason for the absence in-
6 volved and the expected duration of the leave;

7 (B) for foreseeable leave, be provided at
8 least 7 days in advance of such leave; and

9 (C) for unforeseeable leave for which ad-
10 vance notice cannot be given, be provided as
11 soon as practicable after the employee is aware
12 of the need to take such leave.

13 (2) CERTIFICATION.—

14 (A) PROVISION.—

15 (i) IN GENERAL.—An employer may
16 require that a request for leave for more
17 than 3 consecutive days be supported by a
18 certification issued by the health care pro-
19 fessional of the eligible employee or of an
20 individual described in subsection (d)(3),
21 as appropriate.

22 (ii) TIMELINESS.—The employee shall
23 provide a copy of such certification to the
24 employer in a timely manner, not later
25 than 30 days after the first day of the

1 leave. The employer shall not delay the
2 commencement of the leave on the basis
3 that the employer has not yet received the
4 certification.

5 (B) SUFFICIENT CERTIFICATION.—

6 (i) IN GENERAL.—A certification pro-
7 vided under subparagraph (A) shall be suf-
8 ficient if it states—

9 (I) the date on which the leave
10 will be needed;

11 (II) the probable duration of the
12 leave;

13 (III) the appropriate medical
14 facts within the knowledge of the
15 health care professional regarding the
16 condition involved, subject to clause
17 (ii); and

18 (IV)(aa) for purposes of leave
19 under subsection (d)(1), a statement
20 that leave from work is medically nec-
21 essary;

22 (bb) for purposes of leave under
23 subsection (d)(2), the dates on which
24 testing for a medical diagnosis or
25 treatment is expected to be given and

1 the duration of such treatment or
2 testing; and

3 (cc) for purposes of leave under
4 subsection (d)(3), in the case of leave
5 to care for someone who is not a
6 child, a statement that the eligible
7 employee is needed to care for an in-
8 dividual described in such subsection,
9 and an estimate of the amount of
10 time that such employee is needed to
11 care for such individual.

12 (ii) LIMITATION.—In issuing a certifi-
13 cation under subparagraph (A), a health
14 care professional shall make reasonable ef-
15 forts to limit the medical facts described in
16 clause (i)(III) that are disclosed in the cer-
17 tification to the minimum necessary to es-
18 tablish a need for the employee to utilize
19 paid sick leave.

20 (C) CONFIDENTIALITY AND NONDISCLO-
21 SURE.—

22 (i) PROTECTED HEALTH INFORMA-
23 TION.—Nothing in this Act shall be con-
24 strued to require a health care professional
25 to disclose information in violation of sec-

tion 1177 of the Social Security Act (42 U.S.C. 1320d–6) or the regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act (42 U.S.C. 1320d–2 note).

(ii) HEALTH INFORMATION RECORDS.—If an employer possesses health information about an employee or an employee’s child, parent, spouse or other individual described in subsection (d)(3), such information shall—

(I) be maintained on a separate form and in a separate file from other personnel information;

(II) be treated as a confidential medical record; and

(III) not be disclosed except to the affected employee or with the permission of the affected employee.

(g) CURRENT LEAVE POLICIES.—

(1) EQUIVALENCY REQUIREMENT.—An employer with a leave policy providing paid leave options shall not be required to modify such policy, if such policy offers an employee the option, at the employee’s discretion, to take paid sick leave that is at

1 least equivalent to the sick leave described in para-
2 graphs (1) and (2) of subsection (a) and subsection
3 (d).

4 (2) NO ELIMINATION OR REDUCTION OF
5 LEAVE.—An employer may not eliminate or reduce
6 leave in existence on the date of enactment of this
7 Act, regardless of the type of such leave, in order to
8 comply with the provisions of this Act.

9 **SEC. 6. POSTING REQUIREMENT.**

10 (a) IN GENERAL.—Each employer shall post and
11 keep posted a notice, to be prepared or approved in ac-
12 cordance with procedures specified in regulations issued
13 under section 13, setting forth excerpts from, or sum-
14 maries of, the pertinent provisions of this Act including—

15 (1) information describing leave available to
16 employees under this Act;

17 (2) information pertaining to the filing of an
18 action under this Act; and

19 (3) the details of the notice requirement for
20 foreseeable leave under section 5(f)(1)(B).

21 (b) LOCATION.—The notice described under sub-
22 section (a) shall be posted—

23 (1) in conspicuous places on the premises of the
24 employer, where notices to employees (including ap-
25 plicants) are customarily posted; or

1 (2) in employee handbooks.

2 (c) VIOLATION; PENALTY.—Any employer who will-
3 fully violates the posting requirements of this section shall
4 be subject to a civil fine in an amount not to exceed \$100
5 for each separate offense.

6 **SEC. 7. PROHIBITED ACTS.**

7 (a) INTERFERENCE WITH RIGHTS.—

8 (1) EXERCISE OF RIGHTS.—It shall be unlawful
9 for any employer to interfere with, restrain, or deny
10 the exercise of, or the attempt to exercise, any right
11 provided under this Act.

12 (2) DISCRIMINATION.—It shall be unlawful for
13 any employer to discharge or in any other manner
14 discriminate or otherwise retaliate against any indi-
15 vidual for opposing any practice made unlawful by
16 this Act.

17 (b) INTERFERENCE WITH PROCEEDINGS OR INQUIR-
18 IES.—It shall be unlawful for any person to discharge or
19 in any other manner discriminate against any individual
20 because such individual—

21 (1) has filed an action, or has instituted or
22 caused to be instituted any proceeding, under or re-
23 lated to this Act;

1 (2) has given, or is about to give, any informa-
 2 tion in connection with any inquiry or proceeding re-
 3 lating to any right provided under this Act; or

4 (3) has testified, or is about to testify, in any
 5 inquiry or proceeding relating to any right provided
 6 under this Act.

7 **SEC. 8. INVESTIGATIVE AND ENFORCEMENT AUTHORITY.**

8 (a) EMPLOYEES COVERED BY TITLE I OF FAMILY
 9 AND MEDICAL LEAVE ACT OF 1993 OR GOVERNMENT
 10 EMPLOYEE RIGHTS ACT OF 1991.—

11 (1) DEFINITION.—In this subsection:

12 (A) the term “employee” means an em-
 13 ployee described in clause (i) or (ii) of section
 14 4(2)(A); and

15 (B) the term “employer” means an em-
 16 ployer described in clauses (i)(I) and (ii), or
 17 clauses (i)(II) and (ii), of section 4(3)(A).

18 (2) INVESTIGATIVE AUTHORITY.—

19 (A) IN GENERAL.—To ensure compliance
 20 with the provisions of this Act, or any regula-
 21 tion or order issued under this Act, the Sec-
 22 retary shall have, subject to subparagraph (C),
 23 the investigative authority provided under sec-
 24 tion 11(a) of the Fair Labor Standards Act of

1 1938 (29 U.S.C. 211(a)), with respect to em-
2 ployees and employers.

3 (B) OBLIGATION TO KEEP AND PRESERVE
4 RECORDS.—An employer shall make, keep, and
5 preserve records pertaining to compliance with
6 this Act in accordance with section 11(c) of the
7 Fair Labor Standards Act of 1938 (29 U.S.C.
8 211(c)) and in accordance with regulations
9 issued by the Secretary.

10 (C) REQUIRED SUBMISSIONS GENERALLY
11 LIMITED TO AN ANNUAL BASIS.—The Secretary
12 shall not require, under the authority of this
13 paragraph, an employer to submit to the Sec-
14 retary any books or records more than once
15 during any 12-month period, unless the Sec-
16 retary has reasonable cause to believe there
17 may exist a violation of this Act or any regula-
18 tion or order issued pursuant to this Act, or is
19 investigating a charge pursuant to paragraph
20 (4).

21 (D) SUBPOENA AUTHORITY.—For the pur-
22 poses of any investigation provided for in this
23 paragraph, the Secretary shall have the sub-
24 poena authority provided for under section 9 of

1 the Fair Labor Standards Act of 1938 (29
2 U.S.C. 209).

3 (3) CIVIL ACTION BY EMPLOYEES.—

4 (A) RIGHT OF ACTION.—An action to re-
5 cover the damages or equitable relief prescribed
6 in subparagraph (B) may be maintained
7 against any employer in any Federal or State
8 court of competent jurisdiction by one or more
9 employees or their representative for and on be-
10 half of—

11 (i) the employees; or

12 (ii) the employees and other employ-
13 ees similarly situated.

14 (B) LIABILITY.—Any employer who vio-
15 lates section 7 (including a violation relating to
16 rights provided under section 5) shall be liable
17 to any employee affected—

18 (i) for damages equal to—

19 (I) the amount of—

20 (aa) any wages, salary, em-
21 ployment benefits, or other com-
22 pensation denied or lost to such
23 employee by reason of the viola-
24 tion; or

- 1 (bb) in a case in which
2 wages, salary, employment bene-
3 fits, or other compensation have
4 not been denied or lost to the
5 employee, any actual monetary
6 losses sustained by the employee
7 as a direct result of the violation
8 up to a sum equal to 7 days of
9 wages or salary for the employee;
- 10 (II) the interest on the amount
11 described in subclause (I) calculated
12 at the prevailing rate; and
- 13 (III) an additional amount as liq-
14 uidated damages; and
- 15 (ii) for such equitable relief as may be
16 appropriate, including employment, rein-
17 statement, and promotion.
- 18 (C) FEES AND COSTS.—The court in an
19 action under this paragraph shall, in addition to
20 any judgment awarded to the plaintiff, allow a
21 reasonable attorney’s fee, reasonable expert wit-
22 ness fees, and other costs of the action to be
23 paid by the defendant.
- 24 (4) ACTION BY THE SECRETARY.—

1 (A) ADMINISTRATIVE ACTION.—The Sec-
2 retary shall receive, investigate, and attempt to
3 resolve complaints of violations of section 7 (in-
4 cluding a violation relating to rights provided
5 under section 5) in the same manner that the
6 Secretary receives, investigates, and attempts to
7 resolve complaints of violations of sections 6
8 and 7 of the Fair Labor Standards Act of 1938
9 (29 U.S.C. 206 and 207).

10 (B) CIVIL ACTION.—The Secretary may
11 bring an action in any court of competent juris-
12 diction to recover the damages described in
13 paragraph (3)(B)(i).

14 (C) SUMS RECOVERED.—Any sums recov-
15 ered by the Secretary pursuant to subparagraph
16 (B) shall be held in a special deposit account
17 and shall be paid, on order of the Secretary, di-
18 rectly to each employee affected. Any such sums
19 not paid to an employee because of inability to
20 do so within a period of 3 years shall be depos-
21 ited into the Treasury of the United States as
22 miscellaneous receipts.

23 (5) LIMITATION.—

24 (A) IN GENERAL.—Except as provided in
25 subparagraph (B), an action may be brought

1 under paragraph (3), (4), or (6) not later than
2 2 years after the date of the last event consti-
3 tuting the alleged violation for which the action
4 is brought.

5 (B) WILLFUL VIOLATION.—In the case of
6 an action brought for a willful violation of sec-
7 tion 7 (including a willful violation relating to
8 rights provided under section 5), such action
9 may be brought within 3 years of the date of
10 the last event constituting the alleged violation
11 for which such action is brought.

12 (C) COMMENCEMENT.—In determining
13 when an action is commenced under paragraph
14 (3), (4), or (6) for the purposes of this para-
15 graph, it shall be considered to be commenced
16 on the date when the complaint is filed.

17 (6) ACTION FOR INJUNCTION BY SECRETARY.—

18 The district courts of the United States shall have
19 jurisdiction, for cause shown, in an action brought
20 by the Secretary—

21 (A) to restrain violations of section 7 (in-
22 cluding a violation relating to rights provided
23 under section 5), including the restraint of any
24 withholding of payment of wages, salary, em-
25 ployment benefits, or other compensation, plus

1 interest, found by the court to be due to em-
2 ployees eligible under this Act; or

3 (B) to award such other equitable relief as
4 may be appropriate, including employment, re-
5 instatement, and promotion.

6 (7) SOLICITOR OF LABOR.—The Solicitor of
7 Labor may appear for and represent the Secretary
8 on any litigation brought under paragraph (4) or
9 (6).

10 (8) GENERAL ACCOUNTING OFFICE AND LI-
11 BRARY OF CONGRESS.—Notwithstanding any other
12 provision of this subsection, in the case of the Gen-
13 eral Accounting Office and the Library of Congress,
14 the authority of the Secretary of Labor under this
15 subsection shall be exercised respectively by the
16 Comptroller General of the United States and the
17 Librarian of Congress.

18 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
19 COUNTABILITY ACT OF 1995.—The powers, remedies, and
20 procedures provided in the Congressional Accountability
21 Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as de-
22 fined in section 101 of that Act (2 U.S.C. 1301)), or any
23 person, alleging a violation of section 202(a)(1) of that
24 Act (42 U.S.C. 1312(a)(1)) shall be the powers, remedies,
25 and procedures this Act provides to that Board, or any

1 person, alleging an unlawful employment practice in viola-
2 tion of this Act against an employee described in section
3 4(2)(A)(iii).

4 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
5 3, UNITED STATES CODE.—The powers, remedies, and
6 procedures provided in chapter 5 of title 3, United States
7 Code, to the President, the Merit Systems Protection
8 Board, or any person, alleging a violation of section
9 412(a)(1) of that title, shall be the powers, remedies, and
10 procedures this Act provides to the President, that Board,
11 or any person, respectively, alleging an unlawful employ-
12 ment practice in violation of this Act against an employee
13 described in section 4(2)(A)(iv).

14 (d) EMPLOYEES COVERED BY SECTION 717 of the
15 CIVIL RIGHTS ACT OF 1964.—The powers, remedies, and
16 procedures provided in title 5, United States Code, to an
17 employing agency, provided in chapter 12 of that title to
18 the Merit Systems Protection Board, or provided in that
19 title to any person, alleging a violation of chapter 63 of
20 that title, shall be the powers, remedies, and procedures
21 this Act provides to that agency, that Board, or any per-
22 son, respectively, alleging an unlawful employment prac-
23 tice in violation of this Act against an employee described
24 in section 4(2)(A)(v).

1 **SEC. 9. GAO STUDY.**

2 (a) IN GENERAL.—The Comptroller General of the
3 United States shall conduct a study to determine the fol-
4 lowing:

5 (1) The number of days employees used paid
6 sick leave including—

7 (A) the number of employees who used
8 paid sick leave annually; and

9 (B) the number of days employees used
10 paid sick leave for their illnesses, or illnesses
11 of—

12 (i) a child;

13 (ii) a spouse;

14 (iii) a parent; or

15 (iv) any other individual.

16 (2) Whether employees used paid sick leave to
17 care for illnesses or conditions caused by domestic
18 violence against the employees or their family mem-
19 bers.

20 (3) The cost to employers of implementing paid
21 sick leave policies.

22 (4) The benefits to employers of implementing
23 the policies, including improvements in retention and
24 absentee rates and productivity.

25 (5) The benefits of paid sick leave to employees
26 and their family members.

1 (6) Whether the provision of paid sick leave has
2 affected the ability of employees to care for their
3 family members.

4 (7) Whether and in what way the provision of
5 paid sick leave affected the ability of employees to
6 provide for their health needs.

7 (8) Whether the provision of paid sick leave af-
8 fected the ability of employees to sustain an ade-
9 quate income while meeting health needs of the em-
10 ployees and their family members.

11 (9) Whether employers who administered paid
12 sick leave policies prior to the date of enactment of
13 this Act were affected by the provisions of this Act.

14 (10) Whether other types of leave were affected
15 by this Act including whether this Act affected—

16 (A) paid vacation leave;

17 (B) paid family or medical leave; or

18 (C) personal leave.

19 (11) Whether paid sick leave affected retention
20 and turnover.

21 (b) AGGREGATING DATA.—The data collected under
22 paragraphs (1), (2), and (6) of subsection (a) shall be ag-
23 gregated by gender, race, disability, earnings level, age,
24 marital status, and family type, including parental status.

25 (c) REPORTS.—

1 (1) IN GENERAL.—Not later than 18 months
2 after the date of enactment of this Act, the Comp-
3 troller General of the United States shall prepare
4 and submit a report to the appropriate committees
5 of Congress concerning the results of the study con-
6 ducted pursuant to subsection (a) and the data ag-
7 gregated under subsection (b).

8 (2) FOLLOWUP REPORT.—Not later than 5
9 years after the date of enactment of this Act the
10 Comptroller General of the United States shall pre-
11 pare and submit a followup report to the appropriate
12 committees of Congress concerning the results of the
13 study conducted pursuant to subsection (a) and the
14 data aggregated under subsection (b).

15 **SEC. 10. EFFECT ON OTHER LAWS.**

16 (a) FEDERAL AND STATE ANTIDISCRIMINATION
17 LAWS.—Nothing in this Act shall be construed to modify
18 or affect any Federal or State law prohibiting discrimina-
19 tion on the basis of race, religion, color, national origin,
20 sex, age, or disability.

21 (b) STATE AND LOCAL LAWS.—Nothing in this Act
22 shall be construed to supersede any provision of any State
23 or local law that provides greater paid sick leave or other
24 leave rights than the rights established under this Act.

1 **SEC. 11. EFFECT ON EXISTING EMPLOYMENT BENEFITS.**

2 (a) MORE PROTECTIVE.—Nothing in this Act shall
3 be construed to diminish the obligation of an employer to
4 comply with any contract, collective bargaining agreement,
5 or any employment benefit program or plan that provides
6 greater paid sick leave rights to employees than the rights
7 established under this Act.

8 (b) LESS PROTECTIVE.—The rights established for
9 employees under this Act shall not be diminished by any
10 contract, collective bargaining agreement, or any employ-
11 ment benefit program or plan.

12 **SEC. 12. ENCOURAGEMENT OF MORE GENEROUS LEAVE**
13 **POLICIES.**

14 Nothing in this Act shall be construed to discourage
15 employers from adopting or retaining leave policies more
16 generous than policies that comply with the requirements
17 of this Act.

18 **SEC. 13. REGULATIONS.**

19 (a) EMPLOYEES COVERED BY TITLE I OF FAMILY
20 AND MEDICAL LEAVE ACT OF 1993 OR GOVERNMENT
21 EMPLOYEE RIGHTS ACT OF 1991.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (2), not later than 120 days after the date of
24 enactment of this Act, the Secretary shall prescribe
25 such regulations as are necessary to carry out this

1 Act with respect to employees described in clause (i)
2 or (ii) of section 4(2)(A).

3 (2) GENERAL ACCOUNTING OFFICE; LIBRARY
4 OF CONGRESS.—The Comptroller General of the
5 United States and the Librarian of Congress shall
6 prescribe the regulations with respect to employees
7 of the General Accounting Office and the Library of
8 Congress, respectively.

9 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
10 COUNTABILITY ACT OF 1995.—

11 (1) IN GENERAL.—Not later than 120 days
12 after the date of enactment of this Act, the Board
13 of Directors of the Office of Compliance shall pre-
14 scribe (in accordance with section 304 of the Con-
15 gressional Accountability Act of 1995 (2 U.S.C.
16 1384)) such regulations as are necessary to carry
17 out this Act with respect to employees described in
18 section 4(2)(A)(iii).

19 (2) AGENCY REGULATIONS.—The regulations
20 issued under paragraph (1) shall be the same as
21 substantive regulations promulgated by the Sec-
22 retary to carry out this Act except insofar as the
23 Board may determine, for good cause shown and
24 stated together with the regulations issued under
25 paragraph (1), that a modification of such regula-

1 tions would be more effective for the implementation
2 of the rights and protections involved under this sec-
3 tion.

4 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
5 3, UNITED STATES CODE.—

6 (1) IN GENERAL.—Not later than 120 days
7 after the date of enactment of this Act, the Presi-
8 dent (or the designee of the President) shall pre-
9 scribe such regulations as are necessary to carry out
10 this Act with respect to employees described in sec-
11 tion 4(2)(A)(iv).

12 (2) AGENCY REGULATIONS.—The regulations
13 issued under paragraph (1) shall be the same as
14 substantive regulations promulgated by the Sec-
15 retary to carry out this Act except insofar as the
16 President (or designee) may determine, for good
17 cause shown and stated together with the regula-
18 tions issued under paragraph (1), that a modifica-
19 tion of such regulations would be more effective for
20 the implementation of the rights and protections in-
21 volved under this section.

22 (d) EMPLOYEES COVERED BY SECTION 717 of the
23 CIVIL RIGHTS ACT OF 1964.—

24 (1) IN GENERAL.—Not later than 120 days
25 after the date of enactment of this Act, the Director

1 of the Office of Personnel Management shall pre-
2 scribe such regulations as are necessary to carry out
3 this Act with respect to employees described in sec-
4 tion 4(2)(A)(v).

5 (2) AGENCY REGULATIONS.—The regulations
6 issued under paragraph (1) shall be the same as
7 substantive regulations promulgated by the Sec-
8 retary to carry out this Act except insofar as the Di-
9 rector may determine, for good cause shown and
10 stated together with the regulations issued under
11 paragraph (1), that a modification of such regula-
12 tions would be more effective for the implementation
13 of the rights and protections involved under this sec-
14 tion.

15 **SEC. 14. EFFECTIVE DATES.**

16 (a) IN GENERAL.—This Act shall take effect on the
17 date that is 6 months after the date of enactment of this
18 Act.

19 (b) COLLECTIVE BARGAINING AGREEMENTS.—In the
20 case of a collective bargaining agreement in effect on the
21 effective date prescribed by subsection (a), this Act shall
22 take effect on the earlier of—

23 (1) the date of the termination of such agree-
24 ment; or

- 1 (2) the date that occurs 12 months after the
- 2 date of enactment of this Act.

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