

108TH CONGRESS
1ST SESSION

S. 683

To amend the Family and Medical Leave Act of 1993 to provide entitlement to leave to eligible employees whose spouse, son, daughter, or parent is a member of the Armed Forces serving on active duty in support of a contingency operation or notified of an impending call or order to active duty in support of a contingency operation.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2003

Mr. FEINGOLD introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Family and Medical Leave Act of 1993 to provide entitlement to leave to eligible employees whose spouse, son, daughter, or parent is a member of the Armed Forces serving on active duty in support of a contingency operation or notified of an impending call or order to active duty in support of a contingency operation.

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 “Military Families
5 Leave Act of 2003”.

1 **SEC. 2. GENERAL REQUIREMENTS FOR LEAVE.**

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

5 “(3) ENTITLEMENT TO LEAVE DUE TO FAMILY
6 MEMBER’S ACTIVE DUTY.—

7 “(A) IN GENERAL.—Subject to section
8 103(f), an eligible employee shall be entitled to
9 a total of 12 workweeks of leave during any 12-
10 month period because a spouse, son, daughter,
11 or parent of the employee is a member of the
12 Armed Forces—

13 “(i) on active duty in support of a
14 contingency operation; or

15 “(ii) notified of an impending call or
16 order to active duty in support of a contin-
17 gency operation.

18 “(B) CONDITIONS AND TIME FOR TAKING
19 LEAVE.—An eligible employee shall be entitled
20 to take leave under subparagraph (A)—

21 “(i) while the employee’s spouse, son,
22 daughter, or parent is on active duty in
23 support of a contingency operation, and, if
24 the family member is a member of a re-
25 serve component of the Armed Forces, be-
26 ginning when such family member receives

1 notification of an impending call or order
2 to active duty in support of a contingency
3 operation; and

4 “(ii) only for issues relating to or re-
5 sulting from such family member’s—

6 “(I) service on active duty in
7 support of a contingency operation;
8 and

9 “(II) if a member of a reserve
10 component of the Armed Forces—

11 “(aa) receipt of notification
12 of an impending call or order to
13 active duty in support of a con-
14 tingency operation; and

15 “(bb) service on active duty
16 in support of such operation.

17 “(4) LIMITATION.—No employee may take
18 more than a total of 12 workweeks of leave under
19 paragraphs (1) and (3) during any 12-month pe-
20 riod.”.

21 (b) SCHEDULE.—Section 102(b)(1) of such Act (29
22 U.S.C. 2612(b)(1)) is amended by inserting after the sec-
23 ond sentence the following: “Leave under subsection
24 (a)(3) may be taken intermittently or on a reduced leave
25 schedule.”.

1 (c) SUBSTITUTION OF PAID LEAVE.—Section
 2 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is
 3 amended by inserting “or subsection (a)(3)” after “sub-
 4 section (a)(1)”.

5 (d) NOTICE.—Section 102(e) of such Act (29 U.S.C.
 6 2612(e)) is amended by adding at the end the following:

7 “(3) NOTICE FOR LEAVE DUE TO FAMILY MEM-
 8 BER’S ACTIVE DUTY.—An employee who intends to
 9 take leave under subsection (a)(3) shall provide such
 10 notice to the employer as is practicable.”.

11 (e) CERTIFICATION.—Section 103 of such Act (29
 12 U.S.C. 2613) is amended by adding at the end the fol-
 13 lowing:

14 “(f) CERTIFICATION FOR LEAVE DUE TO FAMILY
 15 MEMBER’S ACTIVE DUTY.—An employer may require that
 16 a request for leave under section 102(a)(3) be supported
 17 by a certification issued at such time and in such manner
 18 as the Secretary may by regulation prescribe.”.

19 **SEC. 3. LEAVE FOR CIVIL SERVICE EMPLOYEES.**

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

23 “(3)(A) Subject to section 6383(f), an eligible em-
 24 ployee shall be entitled to a total of 12 workweeks of leave
 25 during any 12-month period because a spouse, son, daugh-

1 ter, or parent of the employee is a member of the Armed
2 Forces—

3 “(i) on active duty in support of a contingency
4 operation; or

5 “(ii) notified of an impending call or order to
6 active duty in support of a contingency operation.

7 “(B) An eligible employee shall be entitled to take
8 leave under subparagraph (A)—

9 “(i) while the employee’s spouse, son, daughter,
10 or parent is on active duty in support of a contin-
11 gency operation, and, if the family member is a
12 member of a reserve component of the Armed
13 Forces, beginning when such family member receives
14 notification of an impending call or order to active
15 duty in support of a contingency operation; and

16 “(ii) only for issues relating to or resulting
17 from such family member’s—

18 “(I) service on active duty in support of a
19 contingency operation; and

20 “(II) if a member of a reserve component
21 of the Armed Forces—

22 “(aa) receipt of notification of an im-
23 pending call or order to active duty in sup-
24 port of a contingency operation; and

1 “(bb) service on active duty in sup-
2 port of such operation.

3 “(4) No employee may take more than a total of 12
4 workweeks of leave under paragraphs (1) and (3) during
5 any 12-month period.”.

6 (b) SCHEDULE.—Section 6382(b)(1) of such title is
7 amended by inserting after the second sentence the fol-
8 lowing: “Leave under subsection (a)(3) may be taken
9 intermittently or on a reduced leave schedule.”.

10 (c) SUBSTITUTION OF PAID LEAVE.—Section
11 6382(d) of such title is amended by inserting “or sub-
12 section (a)(3)” after “subsection (a)(1)”.

13 (d) NOTICE.—Section 6382(e) of such title is amend-
14 ed by adding at the end the following:

15 “(3) An employee who intends to take leave under
16 subsection (a)(3) shall provide such notice to the employ-
17 ing agency as is practicable.”.

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

20 “(f) An employing agency may require that a request
21 for leave under section 6382(a)(3) be supported by a cer-
22 tification issued at such time and in such manner as the
23 Office of Personnel Management may by regulation pre-
24 scribe.”.

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