

111TH CONGRESS
1ST SESSION

H. R. 2132

To amend the Family and Medical Leave Act of 1993 to permit leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling, or grandparent who has a serious health condition.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2009

Mrs. MALONEY (for herself, Ms. BALDWIN, Ms. WOOLSEY, Mr. FRANK of Massachusetts, Mr. POLIS of Colorado, Mr. DELAHUNT, Ms. HIRONO, Mr. FARR, Mr. ISRAEL, and Mr. NADLER of New York) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on House Administration and Oversight and Government Reform, 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 amend the Family and Medical Leave Act of 1993 to permit leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling, or grandparent who has a serious health condition.

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 “Family and Medical
5 Leave Inclusion Act”.

1 **SEC. 2. LEAVE TO CARE FOR A DOMESTIC PARTNER, PAR-**
2 **ENT-IN-LAW, ADULT CHILD, SIBLING, OR**
3 **GRANDPARENT.**

4 (a) DEFINITIONS.—

5 (1) INCLUSION OF SAME-SEX SPOUSES.—Sec-
6 tion 101(13) of the Family and Medical Leave Act
7 of 1993 (29 U.S.C. 2611(13)) is amended, by insert-
8 ing “, and includes a same-sex spouse as determined
9 under applicable State law” before the period.

10 (2) INCLUSION OF ADULT CHILDREN AND CHIL-
11 DREN OF A DOMESTIC PARTNER.—Section 101(12)
12 of such Act (29 U.S.C. 2611(12)) is amended—

13 (A) by inserting “a child of an individual’s
14 domestic partner,” after “a legal ward,”; and

15 (B) by striking “who is—” and all that
16 follows and inserting “and includes an adult
17 child”.

18 (3) INCLUSION OF GRANDPARENTS, PARENTS-
19 IN-LAW, SIBLINGS, AND DOMESTIC PARTNERS.—Sec-
20 tion 101 of such Act is further amended by adding
21 at the end the following:

22 “(20) DOMESTIC PARTNER.—The term ‘domes-
23 tic partner’ means—

24 “(A) the person recognized as the domestic
25 partner of the employee under any domestic
26 partner registry or civil union laws of the State

1 or political subdivision of a State where the em-
2 ployee resides; or

3 “(B) in the case of an unmarried employee
4 who lives in a State where a person cannot
5 marry a person of the same sex under the laws
6 of the State, a single, unmarried adult person
7 of the same sex as the employee who is in a
8 committed, intimate relationship with the em-
9 ployee, is not a domestic partner to any other
10 person, and who is designated to the employer
11 by such employee as that employee’s domestic
12 partner.

13 “(21) GRANDPARENT.—The term ‘grandparent’
14 means a parent of a parent of an employee.

15 “(22) PARENT-IN-LAW.—The term ‘parent-in-
16 law’ means a parent of the spouse or domestic part-
17 ner of an employee.

18 “(23) SIBLING.—The term ‘sibling’ means any
19 person who is a son or daughter of an employee’s
20 parent.”.

21 (b) LEAVE REQUIREMENT.—Section 102 of the Fam-
22 ily and Medical Leave Act of 1993 (29 U.S.C. 2612) is
23 amended—

24 (1) in subsection (a)(1)(C), by striking “spouse,
25 or a son, daughter, or parent of the employee, if

1 such spouse, son, daughter, or parent” and inserting
 2 “spouse or domestic partner, or a son, daughter,
 3 parent, parent-in-law, grandparent, or sibling, of the
 4 employee if such spouse, domestic partner, son,
 5 daughter, parent, parent-in-law, grandparent, or sib-
 6 ling”;

7 (2) in subsection (a)(3), by striking “spouse,
 8 son, daughter, parent,” and inserting “spouse or do-
 9 mestic partner, son, daughter, parent, parent-in-law,
 10 grandparent, sibling,”; and

11 (3) in subsection (e)(2)(A), by striking “spouse,
 12 or parent” and inserting “spouse, domestic partner,
 13 parent, parent-in-law, grandparent, or sibling”.

14 (c) CERTIFICATION.—Section 103 of the Family and
 15 Medical Leave Act of 1993 (29 U.S.C. 2613) is amend-
 16 ed—

17 (1) in subsection (a), by striking “spouse, or
 18 parent” and inserting “spouse, domestic partner,
 19 parent, parent-in-law, grandparent, or sibling”;

20 (2) in subsection (b)(4)(A), by striking “spouse,
 21 or parent and an estimate of the amount of time
 22 that such employee is needed to care for the son,
 23 daughter, spouse, or parent” and inserting “spouse,
 24 domestic partner, parent, parent-in-law, grand-
 25 parent, or sibling and an estimate of the amount of

1 time that such employee is needed to care for such
2 son, daughter, spouse, domestic partner, parent,
3 parent-in-law, grandparent, or sibling”; and

4 (3) in subsection (b)(7), by striking “parent, or
5 spouse” and inserting “spouse, domestic partner,
6 parent, parent-in-law, grandparent, or sibling”.

7 (d) EMPLOYMENT AND BENEFITS PROTECTION.—
8 Section 104(c)(3) of the Family and Medical Leave Act
9 of 1993 (29 U.S.C. 2614(c)(3)) is amended—

10 (1) in subparagraph (A)(i), by striking “spouse,
11 or parent” and inserting “spouse, domestic partner,
12 parent, parent-in-law, grandparent, or sibling”; and

13 (2) in subparagraph (C)(ii), by striking
14 “spouse, or parent” and inserting “spouse, domestic
15 partner, parent, parent-in-law, grandparent, or sib-
16 ling”.

17 **SEC. 3. FEDERAL EMPLOYEES.**

18 (a) DEFINITIONS.—

19 (1) INCLUSION OF ADULT CHILDREN AND CHIL-
20 DREN OF A DOMESTIC PARTNER.—Section 6381(6)
21 of title 5, United States Code, is amended—

22 (A) by inserting “a child of an individual’s
23 domestic partner,” after “a legal ward,”; and

1 (B) by striking “who is—” and all that
2 follows and inserting “and includes an adult
3 child”.

4 (2) INCLUSION OF GRANDPARENTS, PARENTS-
5 IN-LAW, SIBLINGS, AND DOMESTIC PARTNERS.—Sec-
6 tion 6381 of such title is further amended—

7 (A) in paragraph (10) by striking “; and”
8 and inserting a semicolon;

9 (B) in paragraph (11), by striking the pe-
10 riod and inserting a semicolon; and

11 (C) by adding at the end the following:

12 “(12) The term ‘domestic partner’ means—

13 “(A) the person recognized as the domestic
14 partner of the employee under any domestic
15 partner registry or civil union laws of the State
16 or political subdivision of a State where the em-
17 ployee resides; or

18 “(B) in the case of an unmarried employee
19 who lives in a State where a person cannot
20 marry a person of the same sex under the laws
21 of the State, a single, unmarried adult person
22 of the same sex as the employee who is in a
23 committed, intimate relationship with the em-
24 ployee, is not a domestic partner to any other
25 person, and who is designated to the employer

1 by such employee as that employee’s domestic
2 partner.

3 “(13) The term ‘parent-in-law’ means a parent
4 of the spouse or domestic partner of an employee.

5 “(14) The term ‘grandparent’ means a parent
6 of a parent of an employee.

7 “(15) The term ‘sibling’ means any person who
8 is a son or daughter of an employee’s parent.

9 “(16) The term ‘spouse’ includes a same-sex
10 spouse as determined under applicable State law.”.

11 (b) LEAVE REQUIREMENT.—Section 6382 of title 5,
12 United States Code, is amended—

13 (1) in subsection (a)(1)(C), by striking “spouse,
14 or a son, daughter, or parent of the employee, if
15 such spouse, son, daughter, or parent” and inserting
16 “spouse, or domestic partner, or a son, daughter,
17 parent, parent-in-law, grandparent, or sibling, of the
18 employee if such spouse, domestic partner, son,
19 daughter, parent, parent-in-law, grandparent, or sib-
20 ling”;

21 (2) in subsection (a)(3), by striking “spouse,
22 son, daughter, parent,” and inserting “spouse or do-
23 mestic partner, son, daughter, parent, parent-in-law,
24 grandparent, sibling,”; and

1 (3) in subsection (e)(2)(A), by striking “spouse,
2 or parent” and inserting “spouse, domestic partner,
3 parent, parent-in-law, grandparent, or sibling”.

4 (c) CERTIFICATION.—Section 6383 of title 5, United
5 States Code, is amended—

6 (1) in subsection (a), by striking “spouse, or
7 parent” and inserting “spouse, domestic partner,
8 parent, parent-in-law, grandparent, or sibling”; and

9 (2) in subsection (b)(4)(A), by striking “spouse,
10 or parent, and an estimate of the amount of time
11 that such employee is needed to care for such son,
12 daughter, spouse, or parent” and inserting “spouse,
13 domestic partner, parent, parent-in-law, grand-
14 parent, or sibling and an estimate of the amount of
15 time that such employee is needed to care for such
16 son, daughter, spouse, domestic partner, parent,
17 parent-in-law, grandparent, or sibling”.

○