

111TH CONGRESS
2D SESSION

H. R. 5944

To amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to railroad Hours of Service employees.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2010

Mr. BISHOP of New York (for himself, Mr. LATOURETTE, Mr. CRITZ, and Mr. FILNER) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to railroad Hours of Service employees.

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 “Railroad Hours of
5 Service Employees Technical Corrections Act”.

6 **SEC. 2. LEAVE REQUIREMENT FOR RAILROAD HOURS OF**
7 **SERVICE EMPLOYEES.**

8 (a) INCLUSION OF RAILROAD HOURS OF SERVICE
9 EMPLOYEES.—Section 101(2) of the Family and Medical

1 Leave Act of 1993 (29 U.S.C. 2611(2)) is amended by
2 adding at the end the following:

3 “(E) RAILROAD HOURS OF SERVICE EM-
4 PLOYEES.—

5 “(i) DETERMINATION.—For purposes
6 of determining whether a railroad employee
7 who is subject to the hours of service laws
8 under chapter 211 of title 49, United
9 States Code, meets the hours of service re-
10 quirement specified in subparagraph
11 (A)(ii), the employee will be considered to
12 meet the requirement if—

13 “(I) the employee has worked or
14 been paid for not less than 60 percent
15 of the applicable total guarantee, or
16 the equivalent, for the previous 12-
17 month period, for or by the employer
18 with respect to whom leave is re-
19 quested under section 102; and

20 “(II) the employee has worked or
21 been paid for not less than 504 hours
22 (not counting personal commute time
23 or time spent on vacation leave or
24 medical or sick leave) during the pre-

1 vious 12-month period, for or by that
2 employer.

3 “(ii) FILE.—Each employer of an em-
4 ployee described in clause (i) shall main-
5 tain on file with the Secretary (in accord-
6 ance with such regulations as the Sec-
7 retary may prescribe) information speci-
8 fying the applicable guarantee with respect
9 to each category of employee to which such
10 guarantee applies.

11 “(iii) DEFINITION.—In this subpara-
12 graph, the term ‘applicable guarantee’
13 means—

14 “(I) for an employee described in
15 clause (i) other than an employee on
16 reserve status, the minimum number
17 of hours for which an employer has
18 agreed to schedule such employee for
19 any given period; and

20 “(II) for an employee described
21 in clause (i) who is on reserve status,
22 the number of hours for which an em-
23 ployer has agreed to pay such em-
24 ployee on reserve status for any given
25 period,

1 as established in the applicable collective
2 bargaining agreement or, if none exists, in
3 the employer's policies.”.

4 (b) CALCULATION OF LEAVE FOR RAILROAD HOURS
5 OF SERVICE EMPLOYEES.—Section 102(a) of the Family
6 and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is
7 amended by adding at the end the following:

8 “(5) CALCULATION OF LEAVE FOR RAILROAD
9 HOURS OF SERVICE EMPLOYEES.—The Secretary
10 may provide, by regulation, a method for calculating
11 the leave described in paragraph (1) with respect to
12 employees described in section 101(2)(E).”.

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