

113TH CONGRESS
2D SESSION

H. R. 3999

To amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to allow employees to take, as additional leave, parental involvement leave to participate in or attend their children's and grandchildren's educational and extracurricular activities, and to clarify that leave may be taken for routine family medical needs and to assist elderly relatives, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2014

Mrs. CAROLYN B. MALONEY of New York introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Oversight and 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 amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to allow employees to take, as additional leave, parental involvement leave to participate in or attend their children's and grandchildren's educational and extracurricular activities, and to clarify that leave may be taken for routine family medical needs and to assist elderly relatives, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Family and Medical
3 Leave Enhancement Act of 2014”.

4 **SEC. 2. ELIGIBLE EMPLOYEE.**

5 Section 101(2)(B)(ii) of the Family and Medical
6 Leave Act of 1993 (29 U.S.C. 2611(2)(B)(ii)) is amended
7 by striking “less than 50” each place it appears and in-
8 serting “fewer than 25”.

9 **SEC. 3. ENTITLEMENT TO ADDITIONAL LEAVE UNDER THE**
10 **FMLA FOR PARENTAL INVOLVEMENT AND**
11 **FAMILY WELLNESS.**

12 (a) **LEAVE REQUIREMENT.**—Section 102(a) of the
13 Family and Medical Leave Act of 1993 (29 U.S.C.
14 2612(a)) is amended by adding at the end the following
15 new paragraph:

16 “(5) **ENTITLEMENT TO ADDITIONAL LEAVE FOR**
17 **PARENTAL INVOLVEMENT AND FAMILY**
18 **WELLNESS.**—

19 “(A) **IN GENERAL.**—Subject to subpara-
20 graph (B) and section 103(g), an eligible em-
21 ployee shall be entitled to leave under this para-
22 graph to—

23 “(i) participate in or attend an activ-
24 ity that is sponsored by a school or com-
25 munity organization and relates to a pro-
26 gram of the school or organization that is

attended by a son or daughter or a grandchild of the employee; or

“(ii) meet routine family medical care needs, including for medical and dental appointments of the employee or a son, daughter, spouse, or grandchild of the employee, or to attend to the care needs of elderly individuals who are related to the eligible employee, including visits to nursing homes and group homes.

“(B) LIMITATIONS.—

“(i) IN GENERAL.—An eligible employee is entitled to—

“(I) not to exceed 4 hours of leave under this paragraph during any 30-day period; and

“(II) not to exceed 24 hours of leave under this paragraph during any 12-month period.

“(ii) COORDINATION RULE.—Leave under this paragraph shall be in addition to any leave provided under any other paragraph of this subsection.

“(C) DEFINITIONS.—As used in this paragraph:

1 “(i) SCHOOL.—The term ‘school’
 2 means an elementary school or secondary
 3 school (as such terms are defined in sec-
 4 tion 9101 of the Elementary and Sec-
 5 ondary Education Act of 1965 (20 U.S.C.
 6 7801)), a Head Start program assisted
 7 under the Head Start Act (42 U.S.C. 9831
 8 et seq.), or a child care facility.

9 “(ii) COMMUNITY ORGANIZATION.—
 10 The term ‘community organization’ means
 11 a private nonprofit organization that is
 12 representative of a community or a signifi-
 13 cant segment of a community and provides
 14 activities for individuals described in sub-
 15 paragraph (A) or (B) of section 101(12),
 16 such as a scouting or sports organiza-
 17 tion.”.

18 (b) SCHEDULE.—Section 102(b)(1) of such Act (29
 19 U.S.C. 2612(b)(1)) is amended by inserting after the third
 20 sentence the following new sentence: “Leave under sub-
 21 section (a)(5) may be taken intermittently or on a reduced
 22 leave schedule.”.

23 (c) SUBSTITUTION OF PAID LEAVE.—Section
 24 102(d)(2) of such Act (29 U.S.C. 2612(d)(2)) is amended
 25 by adding at the end the following new subparagraph:

1 “(C) PARENTAL INVOLVEMENT LEAVE AND
2 FAMILY WELLNESS LEAVE.—An eligible em-
3 ployee may elect, or an employer may require
4 the employee, to substitute any of the accrued
5 paid vacation leave, personal leave, or family
6 leave of the employee for any leave under sub-
7 section (a)(5). In addition, an eligible employee
8 may elect, or an employer may require the em-
9 ployee, to substitute any of the accrued paid
10 medical or sick leave of the employee for leave
11 provided under clause (ii) of subsection
12 (a)(5)(A) for any part of the leave under such
13 clause, except that nothing in this title shall re-
14 quire an employer to provide paid sick leave or
15 paid medical leave in any situation in which
16 such employer would not normally provide any
17 such paid leave. If the employee elects or the
18 employer requires the substitution of accrued
19 paid leave for leave provided under subsection
20 (a)(5)(A), the employer shall not restrict or
21 limit this substitution or impose any additional
22 terms and conditions on such leave that are
23 more stringent on the employee than the terms
24 and conditions set forth in this Act.”.

1 (d) NOTICE.—Section 102(e) of such Act (29 U.S.C.
2 2612(e)) is amended by adding at the end the following
3 new paragraph:

4 “(4) NOTICE RELATING TO PARENTAL IN-
5 VOLVEMENT AND FAMILY WELLNESS LEAVE.—In
6 any case in which an employee requests leave under
7 paragraph (5) of subsection (a), the employee
8 shall—

9 “(A) provide the employer with not less
10 than 7 days’ notice or as much notice as is
11 practicable before the date the leave is to be
12 taken, of the employee’s intention to take leave
13 under such paragraph; and

14 “(B) in the case of leave to be taken under
15 subparagraph (A)(ii), make a reasonable effort
16 to schedule the leave so as not to disrupt un-
17 duly the operations of the employer, subject to
18 the approval of the health care provider in-
19 volved (if any).”.

20 (e) CERTIFICATION.—Section 103 of such Act (29
21 U.S.C. 2613) is amended by adding at the end the fol-
22 lowing new subsection:

23 “(g) CERTIFICATION RELATED TO PARENTAL IN-
24 VOLVEMENT AND FAMILY WELLNESS LEAVE.—An em-
25 ployer may require that a request for leave under section

1 102(a)(5) be supported by a certification issued at such
 2 time and in such manner as the Secretary may by regula-
 3 tion prescribe.”.

4 (f) DEFINITION OF GRANDCHILD.—Section 101 of
 5 the Family and Medical Leave Act of 1993 (29 U.S.C.
 6 2611) is amended by adding at the end the following new
 7 paragraph:

8 “(14) GRANDCHILD.—The term ‘grandchild’
 9 means a son or daughter of an employee’s son or
 10 daughter.”.

11 **SEC. 4. ENTITLEMENT OF FEDERAL EMPLOYEES TO LEAVE**
 12 **FOR PARENTAL INVOLVEMENT AND FAMILY**
 13 **WELLNESS.**

14 (a) LEAVE REQUIREMENT.—Section 6382(a) of title
 15 5, United States Code, is amended by adding at the end
 16 the following new paragraph:

17 “(5)(A) Subject to subparagraph (B)(i) and section
 18 6383(f), an employee shall be entitled to leave under this
 19 paragraph to—

20 “(i) participate in or attend an activity that is
 21 sponsored by a school or community organization
 22 and relates to a program of the school or organiza-
 23 tion that is attended by a son or daughter or a
 24 grandchild of the employee; or

1 “(ii) meet routine family medical care needs, in-
2 cluding for medical and dental appointments of a
3 son, daughter, spouse, or grandchild of the em-
4 ployee, or to attend to the care needs of elderly indi-
5 viduals who are related to the eligible employee, in-
6 cluding visits to nursing homes and group homes.

7 “(B)(i) An employee is entitled to—

8 “(I) not to exceed 4 hours of leave under this
9 paragraph during any 30-day period; and

10 “(II) not to exceed 24 hours of leave under this
11 paragraph during any 12-month period.

12 “(ii) Leave under this paragraph shall be in addition
13 to any leave provided under any other paragraph of this
14 subsection.

15 “(C) For the purpose of this paragraph—

16 “(i) the term ‘school’ means an elementary
17 school or secondary school (as such terms are de-
18 fined in section 9101 of the Elementary and Sec-
19 ondary Education Act of 1965), a Head Start pro-
20 gram assisted under the Head Start Act, and a child
21 care facility licensed under State law; and

22 “(ii) the term ‘community organization’ means
23 a private nonprofit organization that is representa-
24 tive of a community or a significant segment of a
25 community and provides activities for individuals de-

1 scribed in subparagraph (A) or (B) of section
2 6381(6), such as a scouting or sports organization.”.

3 (b) SCHEDULE.—Section 6382(b)(1) of such title is
4 amended—

5 (1) by inserting after the second sentence the
6 following new sentence: “Leave under subsection
7 (a)(5) may be taken intermittently or on a reduced
8 leave schedule.”; and

9 (2) in the last sentence, by striking “involved,”
10 and inserting “involved (or, in the case of leave
11 under subsection (a)(5), for purposes of any 30-day
12 or 12-month period),”.

13 (c) SUBSTITUTION OF PAID LEAVE.—Section
14 6382(d) of such title is amended—

15 (1) by inserting “(1)” after the subsection des-
16 ignation; and

17 (2) by adding at the end the following:

18 “(2) An employee may elect to substitute for leave
19 under subsection (a)(5), any of the employee’s accrued or
20 accumulated annual or sick leave under subchapter I. If
21 the employee elects to substitute accumulated annual or
22 sick leave for leave provided under subsection (a)(5), the
23 employing agency shall not restrict or limit this substi-
24 tution or impose any additional terms and conditions on

1 such leave that are more stringent on the employee than
2 the terms and conditions set forth in this subchapter.”.

3 (d) NOTICE.—Section 6382(e) of such title is amend-
4 ed by adding at the end the following new paragraph:

5 “(3) In any case in which an employee requests leave
6 under paragraph (5) of subsection (a), the employee
7 shall—

8 “(A) provide the employing agency with not less
9 than 7 days’ notice, before the date the leave is to
10 be taken, of the employee’s intention to take leave
11 under such paragraph; and

12 “(B) in the case of leave to be taken under sub-
13 paragraph (A)(ii), make a reasonable effort to
14 schedule the leave so as not to disrupt unduly the
15 operations of the employer, subject to the approval
16 of the health care provider involved (if any).”.

17 (e) CERTIFICATION.—Section 6383(f) of such title is
18 amended by striking “6382(a)(3)” and inserting “para-
19 graph (3) or (5) of section 6382(a)”.

20 (f) DEFINITION OF GRANDCHILD.—Section 6381 of
21 title 5, United States Code, is amended—

22 (1) in paragraph (10), by striking “and” at the
23 end;

24 (2) in paragraph (11), by striking the period at
25 the end and inserting “; and”; and

1 (3) by adding at the end the following new
2 paragraph:

3 “(12) the term ‘grandchild’ means a son or
4 daughter of an employee’s son or daughter.”.

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