

113TH CONGRESS  
2D SESSION

# H. R. 5849

To provide employees with 1 hour of paid sick leave for every 30 hours worked.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2014

Mr. GRAYSON 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, House Administration, and the Judiciary, 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

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## A BILL

To provide employees with 1 hour of paid sick leave for every 30 hours worked.

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 “Paid Sick Leave Act”.

5 **SEC. 2. REQUIREMENT FOR PAID SICK LEAVE.**

6 (a) IN GENERAL.—An employer shall permit each  
7 employee employed by the employer to earn not less than

1 1 hour of paid sick leave for every 30 hours worked, to  
2 be used as described in subsection (b).

3 (b) USES.—Paid sick leave earned under this section  
4 may 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.

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

16 (A) has any of the conditions or needs for  
17 diagnosis or care described in paragraph (1) or  
18 (2); and

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

21 (4) An absence resulting from domestic vio-  
22 lence, sexual assault, or stalking, if the time is to—

23 (A) seek medical attention for the em-  
24 ployee or the employee's child, parent, or  
25 spouse, or an individual related to the employee

1 as described in paragraph (3), to recover from  
2 physical or psychological injury or disability  
3 caused by domestic violence, sexual assault, or  
4 stalking;

5 (B) obtain or assist a related person de-  
6 scribed in paragraph (3) in obtaining services  
7 from a victim services organization;

8 (C) obtain or assist a related person de-  
9 scribed in paragraph (3) in obtaining psycho-  
10 logical or other counseling;

11 (D) seek relocation; or

12 (E) take legal action, including preparing  
13 for or participating in any civil or criminal legal  
14 proceeding related to or resulting from domestic  
15 violence, sexual assault, or stalking.

16 (c) DEFINITIONS.—In this Act:

17 (1) CHILD.—The term “child” means a biologi-  
18 cal, foster, or adopted child, a stepchild, a legal  
19 ward, or a child of a person standing in loco  
20 parentis, who is—

21 (A) under 18 years of age; or

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

1           (2) DOMESTIC VIOLENCE.—The term “domestic  
2 violence” has the meaning given the term in section  
3 40002(a) of the Violence Against Women Act of  
4 1994 (42 U.S.C. 13925(a)), except that the ref-  
5 erence in such section to the term “jurisdiction re-  
6 ceiving grant monies” shall be deemed to mean the  
7 jurisdiction in which the victim lives or the jurisdic-  
8 tion in which the employer involved is located.

9           (3) EMPLOYEE.—The term “employee” means  
10 an individual who is—

11           (A)(i) an employee, as defined in section  
12 3(e) of the Fair Labor Standards Act of 1938  
13 (29 U.S.C. 203(e)), who is not covered under  
14 subparagraph (E), including such an employee  
15 of the Library of Congress, except that a ref-  
16 erence in such section to an employer shall be  
17 considered to be a reference to an employer de-  
18 scribed in clauses (i)(I) and (ii) of paragraph  
19 (4)(A); or

20           (ii) an employee of the Government Ac-  
21 countability Office;

22           (B) a State employee described in section  
23 304(a) of the Government Employee Rights Act of  
24 1991 (42 U.S.C. 2000e–16c(a));

1 (C) a covered employee, as defined in section  
2 101 of the Congressional Accountability Act of 1995  
3 (2 U.S.C. 1301), other than an applicant for em-  
4 ployment;

5 (D) a covered employee, as defined in section  
6 411(c) of title 3, United States Code; or

7 (E) a Federal officer or employee covered under  
8 subchapter V of chapter 63 of title 5, United States  
9 Code.

10 (4) EMPLOYER.—

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

13 (i)(I) a covered employer, as defined  
14 in subparagraph (B), who is not covered  
15 under subclause (V);

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 employing agency covered  
2 under subchapter V of chapter 63 of title  
3 5, United States Code; and

4 (ii) is engaged in commerce (including  
5 government), or an industry or activity af-  
6 fecting commerce (including government),  
7 as defined in subparagraph (B)(iii).

8 (B) COVERED EMPLOYER.—

9 (i) IN GENERAL.—In subparagraph  
10 (A)(i)(I), the term “covered employer”—

11 (I) means any person engaged in  
12 commerce or in any industry or activ-  
13 ity affecting commerce who employs  
14 15 or more employees for each work-  
15 ing day during each of 20 or more  
16 calendar workweeks in the current or  
17 preceding calendar year;

18 (II) includes—

19 (aa) any person who acts,  
20 directly or indirectly, in the inter-  
21 est of an employer to any of the  
22 employees of such employer; and

23 (bb) any successor in inter-  
24 est of an employer;

1 (III) includes any “public agen-  
2 cy”, as defined in section 3(x) of the  
3 Fair Labor Standards Act of 1938  
4 (29 U.S.C. 203(x)); and

5 (IV) includes the Government  
6 Accountability Office and the Library  
7 of Congress.

8 (ii) PUBLIC AGENCY.—For purposes  
9 of clause (i)(III), a public agency shall be  
10 considered to be a person engaged in com-  
11 merce or in an industry or activity affect-  
12 ing commerce.

13 (iii) DEFINITIONS.—For purposes of  
14 this subparagraph:

15 (I) COMMERCE.—The terms  
16 “commerce” and “industry or activity  
17 affecting commerce” mean any activ-  
18 ity, business, or industry in commerce  
19 or in which a labor dispute would  
20 hinder or obstruct commerce or the  
21 free flow of commerce, and include  
22 “commerce” and any “industry affect-  
23 ing commerce”, as defined in para-  
24 graphs (1) and (3) of section 501 of

1 the Labor Management Relations Act,  
2 1947 (29 U.S.C. 142 (1) and (3)).

3 (II) EMPLOYEE.—The term “em-  
4 ployee” has the same meaning given  
5 such term in section 3(e) of the Fair  
6 Labor Standards Act of 1938 (29  
7 U.S.C. 203(e)).

8 (III) PERSON.—The term “per-  
9 son” has the same meaning given  
10 such term in section 3(a) of the Fair  
11 Labor Standards Act of 1938 (29  
12 U.S.C. 203(a)).

13 (C) PREDECESSORS.—Any reference in  
14 this paragraph to an employer shall include a  
15 reference to any predecessor of such employer.

16 (5) PARENT.—The term “parent” means a bio-  
17 logical, foster, or adoptive parent of an employee, a  
18 stepparent of an employee, or a legal guardian or  
19 other person who stood in loco parentis to an em-  
20 ployee when the employee was a child.

21 (6) SEXUAL ASSAULT.—The term “sexual as-  
22 sault” has the meaning given the term in section  
23 40002(a) of the Violence Against Women Act of  
24 1994 (42 U.S.C. 13925(a)).

1           (7) SPOUSE.—The term “spouse”, with respect  
2           to an employee, has the meaning given such term by  
3           the marriage laws of the State in which the em-  
4           ployee resides.

5           (8) STALKING.—The term “stalking” has the  
6           meaning given the term in section 40002(a) of the  
7           Violence Against Women Act of 1994 (42 U.S.C.  
8           13925(a)).

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