

113TH CONGRESS
1ST SESSION

S. 631

To allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families.

IN THE SENATE OF THE UNITED STATES

MARCH 20, 2013

Mr. HARKIN (for himself, Ms. MIKULSKI, Mrs. MURRAY, Mr. CASEY, Mr. FRANKEN, Mr. WHITEHOUSE, Mr. MURPHY, Ms. WARREN, Mr. LEVIN, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BROWN, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Ms. HIRONO, and Mr. COWAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families.

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 “Healthy Families Act”.

5 **SEC. 2. FINDINGS.**

6 Congress makes the following findings:

7 (1) Working Americans need time to meet their
8 own health care needs and to care for family mem-

1 bers, including their children, spouse, domestic part-
2 ner, parents (including parents-in-law), and other
3 children and adults for whom they are caregivers.

4 (2) Health care needs include preventive health
5 care, diagnostic procedures, medical treatment, and
6 recovery in response to short- and long-term ill-
7 nesses and injuries.

8 (3) Providing employees time off to meet health
9 care needs ensures that they will be healthier in the
10 long run. Preventive care helps avoid illnesses and
11 injuries and routine medical care helps detect ill-
12 nesses early and shorten their duration. A 2012
13 study published by BioMed Central Public Health of
14 results of the National Health Interview Survey
15 found that lack of paid sick leave is a barrier to re-
16 ceiving cancer screenings and preventive care. Work-
17 ers with paid sick leave were more likely to have a
18 mammogram, Pap test, or endoscopy, and were
19 more likely to have visited a doctor in the previous
20 year, than workers without paid sick leave, even
21 when the results were adjusted for sociodemographic
22 factors.

23 (4) When parents are available to care for their
24 children who become sick, children recover faster,
25 more serious illnesses are prevented, and children's

1 overall mental and physical health improve. In a
2 2009 study published in the American Journal of
3 Public Health, 81 percent of parents of a child with
4 special health care needs reported that taking leave
5 from work to be with their child had a “good” or
6 “very good” effect on their child’s physical health.
7 Similarly, 85 percent of parents of such a child
8 found that taking such leave had a “good” or “very
9 good” effect on their child’s emotional health.

10 (5) When parents cannot afford to miss work
11 and must send children with contagious illnesses to
12 child care centers or schools, infection can spread
13 rapidly through child care centers and schools.

14 (6) Providing paid sick time improves public
15 health by reducing infectious disease. Policies that
16 make it easier for sick adults and children to be iso-
17 lated at home reduce the spread of infectious dis-
18 ease. A 2012 study published in the American Jour-
19 nal of Public Health found that a lack of workplace
20 policies like paid sick days contributed to an addi-
21 tional 5,000,000 cases of influenza-like illness dur-
22 ing the H1N1 pandemic of 2009.

23 (7) Routine medical care reduces medical costs
24 by detecting and treating illness and injury early,
25 decreasing the need for emergency care. These sav-

1 ings benefit public and private payers of health in-
2 surance, including private businesses. A 2011 study
3 by the Institute for Women’s Policy Research found
4 that a universal paid sick days policy would reduce
5 preventable visits to the emergency room and result
6 in cost savings of \$1,100,000,000 per year, includ-
7 ing \$500,000,000 in savings for public health insur-
8 ance like Medicaid.

9 (8) The provision of individual and family sick
10 time by large and small businesses, both here in the
11 United States and elsewhere, demonstrates that pol-
12 icy solutions are both feasible and affordable in a
13 competitive economy. A 2009 study by the Center
14 for Economic and Policy Research found that, of 22
15 countries with comparable economies, the United
16 States was 1 of only 3 countries that did not provide
17 any paid time off for workers with short-term ill-
18 nesses.

19 (9) Measures that ensure that employees are in
20 good health and do not need to worry about unmet
21 family health problems help businesses by promoting
22 productivity and reducing employee turnover.

23 (10) The American Productivity Audit com-
24 pleted in 2003 found that lost productivity due to ill-
25 ness costs \$226,000,000,000 annually, and that 71

1 percent of that cost stems from presenteeism, the
2 practice of employees coming to work despite illness.
3 Studies in the *Journal of Occupational and Environ-*
4 *mental Medicine*, the *Employee Benefit News*, and
5 the *Harvard Business Review* show that
6 presenteeism is a larger productivity drain than ei-
7 ther absenteeism or short-term disability.

8 (11) Working while sick also increases a work-
9 er's probability of suffering an injury on the job. A
10 2012 study published by the *American Journal of*
11 *Public Health* found that workers with access to
12 paid sick leave were 28 percent less likely than
13 workers without paid sick leave to suffer nonfatal
14 occupational injuries.

15 (12) The absence of paid sick time has forced
16 Americans to make untenable choices between need-
17 ed income and jobs on the one hand and caring for
18 their own and their family's health on the other.

19 (13) Nearly 40 percent of the private sector
20 workforce, and 25 percent of the public sector work-
21 force, lacks paid sick time. Another 4,000,000 theo-
22 retically have access to sick time, but have not been
23 on the job long enough to use it. Millions more lack
24 sick time they can use to care for a sick child or ill
25 family member.

1 (14)(A) Workers' access to paid sick time varies
2 dramatically by wage level.

3 (B) For private sector workers—

4 (i) for workers in the lowest quartile of
5 earners, 71 percent lack paid sick time;

6 (ii) for workers in the next 2 quartiles, 36
7 and 25 percent, respectively, lack paid sick
8 time; and

9 (iii) even for workers in the highest quar-
10 tile, 16 percent lack paid sick time.

11 (C) For public sector workers—

12 (i) for workers in the lowest quartile of
13 earners, 25 percent lack paid sick time;

14 (ii) for workers in the next 2 quartiles, 7
15 percent lack paid sick time; and

16 (iii) for workers in the highest quartile, 2
17 percent lack paid sick time.

18 (D) In addition, millions of workers cannot use
19 paid sick time to care for ill family members.

20 (15) Due to the roles of men and women in so-
21 ciety, the primary responsibility for family caregiving
22 often falls on women, and such responsibility affects
23 the working lives of women more than it affects the
24 working lives of men.

1 (16) An increasing number of men are also tak-
2 ing on caregiving obligations, and men who request
3 paid time for caregiving purposes are often denied
4 accommodation or penalized because of stereotypes
5 that caregiving is only “women’s work”.

6 (17) Employers’ reliance on persistent stereo-
7 types about the “proper” roles of both men and
8 women in the workplace and in the home continues
9 a cycle of discrimination and fosters stereotypical
10 views about women’s commitment to work and their
11 value as employees.

12 (18) Employment standards that apply to only
13 one gender have serious potential for encouraging
14 employers to discriminate against employees and ap-
15 plicants for employment who are of that gender.

16 (19) It is in the national interest to ensure that
17 all Americans can care for their own health and the
18 health of their families while prospering at work.

19 (20) Nearly 1 in 3 American women report
20 physical or sexual abuse by a husband or boyfriend
21 at some point in their lives. Domestic violence also
22 affects men. Women account for about 85 percent of
23 the victims of domestic violence and men account for
24 approximately 15 percent of the victims. Therefore,
25 women disproportionately need time off to care for

1 their health or to find solutions, such as obtaining
2 a restraining order or finding housing, to avoid or
3 prevent physical or sexual abuse.

4 (21) One study showed that 85 percent of do-
5 mestic violence victims at a women's shelter who
6 were employed missed work because of abuse. The
7 mean number of days of paid work lost by a rape
8 victim is 8.1 days, by a victim of physical assault is
9 7.2 days, and by a victim of stalking is 10.1 days.
10 Nationwide, domestic violence victims lose almost
11 8,000,000 days of paid work per year.

12 (22) Without paid sick days that can be used
13 to address the effects of domestic violence, these vic-
14 tims are in grave danger of losing their jobs. One
15 survey found that 96 percent of employed domestic
16 violence victims experienced problems at work re-
17 lated to the violence. The Government Accountability
18 Office similarly found that 24 to 52 percent of vic-
19 tims report losing a job due, at least in part, to do-
20 mestic violence. The loss of employment can be par-
21 ticularly devastating for victims of domestic violence,
22 who often need economic security to ensure safety.

23 (23) The Centers for Disease Control and Pre-
24 vention has estimated that domestic violence costs

1 over \$700,000,000 annually due to the victims' lost
2 productivity in employment.

3 (24) Efforts to assist abused employees result
4 in positive outcomes for employers as well as em-
5 ployees because employers can retain workers who
6 might otherwise be compelled to leave.

7 **SEC. 3. PURPOSES.**

8 The purposes of this Act are—

9 (1) to ensure that all working Americans can
10 address their own health needs and the health needs
11 of their families by requiring employers to permit
12 employees to earn up to 56 hours of paid sick time
13 including paid time for family care;

14 (2) to diminish public and private health care
15 costs by enabling workers to seek early and routine
16 medical care for themselves and their family mem-
17 bers;

18 (3) to assist employees who are, or whose fam-
19 ily members are, victims of domestic violence, sexual
20 assault, or stalking, by providing the employees with
21 paid time away from work to allow the victims to re-
22 ceive treatment and to take the necessary steps to
23 ensure their protection;

24 (4) to address the historical and persistent
25 widespread pattern of employment discrimination on

1 the basis of gender by both private and public sector
2 employers;

3 (5) to accomplish the purposes described in
4 paragraphs (1) through (4) in a manner that is fea-
5 sible for employers; and

6 (6) consistent with the provision of the 14th
7 Amendment to the Constitution relating to equal
8 protection of the laws, and pursuant to Congress'
9 power to enforce that provision under section 5 of
10 that Amendment—

11 (A) to accomplish the purposes described
12 in paragraphs (1) through (4) in a manner that
13 minimizes the potential for employment dis-
14 crimination on the basis of sex by ensuring gen-
15 erally that paid sick time is available for eligible
16 medical reasons on a gender-neutral basis; and

17 (B) to promote the goal of equal employ-
18 ment opportunity for women and men.

19 **SEC. 4. DEFINITIONS.**

20 In this Act:

21 (1) CHILD.—The term “child” means a biologi-
22 cal, foster, or adopted child, a stepchild, a child of
23 a domestic partner, a legal ward, or a child of a per-
24 son standing in loco parentis, who is—

25 (A) under 18 years of age; or

1 (B) 18 years of age or older and incapable
2 of self-care because of a mental or physical dis-
3 ability.

4 (2) DOMESTIC PARTNER.—The term “domestic
5 partner” means the person recognized as being in a
6 relationship with an employee under any domestic
7 partnership, civil union, or similar law of the State
8 or political subdivision of a State in which the em-
9 ployee resides.

10 (3) DOMESTIC VIOLENCE.—The term “domestic
11 violence” has the meaning given the term in section
12 40002(a) of the Violence Against Women Act of
13 1994 (42 U.S.C. 13925(a)), except that the ref-
14 erence in such section to the term “jurisdiction re-
15 ceiving grant monies” shall be deemed to mean the
16 jurisdiction in which the victim lives or the jurisdic-
17 tion in which the employer involved is located.

18 (4) EMPLOYEE.—The term “employee” means
19 an individual who is—

20 (A)(i) an employee, as defined in section
21 3(e) of the Fair Labor Standards Act of 1938
22 (29 U.S.C. 203(e)), who is not covered under
23 subparagraph (E), including such an employee
24 of the Library of Congress, except that a ref-
25 erence in such section to an employer shall be

1 considered to be a reference to an employer de-
2 scribed in clauses (i)(I) and (ii) of paragraph
3 (5)(A); or

4 (ii) an employee of the Government Ac-
5 countability Office;

6 (B) a State employee described in section
7 304(a) of the Government Employee Rights Act
8 of 1991 (42 U.S.C. 2000e–16c(a));

9 (C) a covered employee, as defined in sec-
10 tion 101 of the Congressional Accountability
11 Act of 1995 (2 U.S.C. 1301), other than an ap-
12 plicant for employment;

13 (D) a covered employee, as defined in sec-
14 tion 411(c) of title 3, United States Code; or

15 (E) a Federal officer or employee covered
16 under subchapter V of chapter 63 of title 5,
17 United States Code.

18 (5) EMPLOYER.—

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

21 (i)(I) a covered employer, as defined
22 in subparagraph (B), who is not covered
23 under subclause (V);

1 (II) an entity employing a State em-
 2 ployee described in section 304(a) of the
 3 Government Employee Rights Act of 1991;

4 (III) an employing office, as defined
 5 in section 101 of the Congressional Ac-
 6 countability Act of 1995;

7 (IV) an employing office, as defined in
 8 section 411(c) of title 3, United States
 9 Code; or

10 (V) an employing agency covered
 11 under subchapter V of chapter 63 of title
 12 5, United States Code; and

13 (ii) is engaged in commerce (including
 14 government), or an industry or activity af-
 15 fecting commerce (including government),
 16 as defined in subparagraph (B)(iii).

17 (B) COVERED EMPLOYER.—

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

20 (I) means any person engaged in
 21 commerce or in any industry or activ-
 22 ity affecting commerce who employs
 23 15 or more employees for each work-
 24 ing day during each of 20 or more

1 calendar workweeks in the current or
2 preceding calendar year;

3 (II) includes—

4 (aa) any person who acts,
5 directly or indirectly, in the inter-
6 est of an employer to any of the
7 employees of such employer; and

8 (bb) any successor in inter-
9 est of an employer;

10 (III) includes any “public agen-
11 cy”, as defined in section 3(x) of the
12 Fair Labor Standards Act of 1938
13 (29 U.S.C. 203(x)); and

14 (IV) includes the Government
15 Accountability Office and the Library
16 of Congress.

17 (ii) PUBLIC AGENCY.—For purposes
18 of clause (i)(III), a public agency shall be
19 considered to be a person engaged in com-
20 merce or in an industry or activity affect-
21 ing commerce.

22 (iii) DEFINITIONS.—For purposes of
23 this subparagraph:

24 (I) COMMERCE.—The terms
25 “commerce” and “industry or activity

1 affecting commerce” mean any activ-
2 ity, business, or industry in commerce
3 or in which a labor dispute would
4 hinder or obstruct commerce or the
5 free flow of commerce, and include
6 “commerce” and any “industry affect-
7 ing commerce”, as defined in para-
8 graphs (1) and (3) of section 501 of
9 the Labor Management Relations Act,
10 1947 (29 U.S.C. 142 (1) and (3)).

11 (II) EMPLOYEE.—The term “em-
12 ployee” has the same meaning given
13 such term in section 3(e) of the Fair
14 Labor Standards Act of 1938 (29
15 U.S.C. 203(e)).

16 (III) PERSON.—The term “per-
17 son” has the same meaning given
18 such term in section 3(a) of the Fair
19 Labor Standards Act of 1938 (29
20 U.S.C. 203(a)).

21 (C) PREDECESSORS.—Any reference in
22 this paragraph to an employer shall include a
23 reference to any predecessor of such employer.

24 (6) EMPLOYMENT BENEFITS.—The term “em-
25 ployment benefits” means all benefits provided or

1 made available to employees by an employer, includ-
2 ing group life insurance, health insurance, disability
3 insurance, sick leave, annual leave, educational bene-
4 fits, and pensions, regardless of whether such bene-
5 fits are provided by a practice or written policy of
6 an employer or through an “employee benefit plan”,
7 as defined in section 3(3) of the Employee Retirement
8 Income Security Act of 1974 (29 U.S.C.
9 1002(3)).

10 (7) HEALTH CARE PROVIDER.—The term
11 “health care provider” means a provider who—

12 (A)(i) is a doctor of medicine or osteopathy
13 who is authorized to practice medicine or sur-
14 gery (as appropriate) by the State in which the
15 doctor practices; or

16 (ii) is any other person determined by the
17 Secretary to be capable of providing health care
18 services; and

19 (B) is not employed by an employer for
20 whom the provider issues certification under
21 this Act.

22 (8) PAID SICK TIME.—The term “paid sick
23 time” means an increment of compensated leave that
24 can be earned by an employee for use during an ab-
25 sence from employment for any of the reasons de-

1 scribed in paragraphs (1) through (4) of section
2 5(b).

3 (9) PARENT.—The term “parent” means a bio-
4 logical, foster, or adoptive parent of an employee, a
5 stepparent of an employee, parent-in-law, parent of
6 a domestic partner, or a legal guardian or other per-
7 son who stood in loco parentis to an employee when
8 the employee was a child.

9 (10) SECRETARY.—The term “Secretary”
10 means the Secretary of Labor.

11 (11) SEXUAL ASSAULT.—The term “sexual as-
12 sault” has the meaning given the term in section
13 40002(a) of the Violence Against Women Act of
14 1994 (42 U.S.C. 13925(a)).

15 (12) SPOUSE.—The term “spouse”, with re-
16 spect to an employee, has the meaning given such
17 term by the marriage laws of the State in which the
18 employee resides.

19 (13) STATE.—The term “State” has the mean-
20 ing given the term in section 3 of the Fair Labor
21 Standards Act of 1938 (29 U.S.C. 203).

22 (14) STALKING.—The term “stalking” has the
23 meaning given the term in section 40002(a) of the
24 Violence Against Women Act of 1994 (42 U.S.C.
25 13925(a)).

1 (15) VICTIM SERVICES ORGANIZATION.—The
2 term “victim services organization” means a non-
3 profit, nongovernmental organization that provides
4 assistance to victims of domestic violence, sexual as-
5 sault, or stalking or advocates for such victims, in-
6 cluding a rape crisis center, an organization carrying
7 out a domestic violence, sexual assault, or stalking
8 prevention or treatment program, an organization
9 operating a shelter or providing counseling services,
10 or a legal services organization or other organization
11 providing assistance through the legal process.

12 **SEC. 5. PROVISION OF PAID SICK TIME.**

13 (a) ACCRUAL OF PAID SICK TIME.—

14 (1) IN GENERAL.—An employer shall permit
15 each employee employed by the employer to earn not
16 less than 1 hour of paid sick time for every 30 hours
17 worked, to be used as described in subsection (b).
18 An employer shall not be required to permit an em-
19 ployee to earn, under this section, more than 56
20 hours of paid sick time in a calendar year, unless
21 the employer chooses to set a higher limit.

22 (2) EXEMPT EMPLOYEES.—

23 (A) IN GENERAL.—Except as provided in
24 paragraph (3), for purposes of this section, an
25 employee who is exempt from overtime require-

1 ments under section 13(a)(1) of the Fair Labor
2 Standards Act of 1938 (29 U.S.C. 213(a)(1))
3 shall be assumed to work 40 hours in each
4 workweek.

5 (B) SHORTER NORMAL WORKWEEK.—If
6 the normal workweek of such an employee is
7 less than 40 hours, the employee shall earn
8 paid sick time based upon that normal work
9 week.

10 (3) DATES OF ACCRUAL AND USE.—Employees
11 shall begin to earn paid sick time under this section
12 at the commencement of their employment. An em-
13 ployee shall be entitled to use the earned paid sick
14 time beginning on the 60th calendar day following
15 commencement of the employee’s employment. After
16 that 60th calendar day, the employee may use the
17 paid sick time as the time is earned. An employer
18 may, at the discretion of the employer, loan paid
19 sick time to an employee in advance of the earning
20 of such time under this section by such employee.

21 (4) CARRYOVER.—

22 (A) IN GENERAL.—Except as provided in
23 subparagraph (B), paid sick time earned under
24 this section shall carry over from 1 calendar
25 year to the next.

1 (B) CONSTRUCTION.—This Act shall not
2 be construed to require an employer to permit
3 an employee to accrue more than 56 hours of
4 earned paid sick time at a given time.

5 (5) EMPLOYERS WITH EXISTING POLICIES.—
6 Any employer with a paid leave policy who makes
7 available an amount of paid leave that is sufficient
8 to meet the requirements of this section and that
9 may be used for the same purposes and under the
10 same conditions as the purposes and conditions out-
11 lined in subsection (b) shall not be required to per-
12 mit an employee to earn additional paid sick time
13 under this section.

14 (6) CONSTRUCTION.—Nothing in this section
15 shall be construed as requiring financial or other re-
16 imbursement to an employee from an employer upon
17 the employee's termination, resignation, retirement,
18 or other separation from employment for earned
19 paid sick time that has not been used.

20 (7) REINSTATEMENT.—If an employee is sepa-
21 rated from employment with an employer and is re-
22 hired, within 12 months after that separation, by the
23 same employer, the employer shall reinstate the em-
24 ployee's previously earned paid sick time. The em-
25 ployee shall be entitled to use the earned paid sick

1 time and earn additional paid sick time at the re-
2 commencement of employment with the employer.

3 (8) PROHIBITION.—An employer may not re-
4 quire, as a condition of providing paid sick time
5 under this Act, that the employee involved search for
6 or find a replacement worker to cover the hours dur-
7 ing which the employee is using paid sick time.

8 (b) USES.—Paid sick time earned under this section
9 may be used by an employee for any of the following:

10 (1) An absence resulting from a physical or
11 mental illness, injury, or medical condition of the
12 employee.

13 (2) An absence resulting from obtaining profes-
14 sional medical diagnosis or care, or preventive med-
15 ical care, for the employee.

16 (3) An absence for the purpose of caring for a
17 child, a parent, a spouse, a domestic partner, or any
18 other individual related by blood or affinity whose
19 close association with the employee is the equivalent
20 of a family relationship, who—

21 (A) has any of the conditions or needs for
22 diagnosis or care described in paragraph (1) or
23 (2); and

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

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

3 (A) seek medical attention for the em-
4 ployee or the employee’s child, parent, spouse,
5 domestic partner, or an individual related to the
6 employee as described in paragraph (3), to re-
7 cover from physical or psychological injury or
8 disability caused by domestic violence, sexual
9 assault, or stalking;

10 (B) obtain or assist a related person de-
11 scribed in paragraph (3) in obtaining services
12 from a victim services organization;

13 (C) obtain or assist a related person de-
14 scribed in paragraph (3) in obtaining psycho-
15 logical or other counseling;

16 (D) seek relocation; or

17 (E) take legal action, including preparing
18 for or participating in any civil or criminal legal
19 proceeding related to or resulting from domestic
20 violence, sexual assault, or stalking.

21 (c) SCHEDULING.—An employee shall make a reason-
22 able effort to schedule a period of paid sick time under
23 this Act in a manner that does not unduly disrupt the
24 operations of the employer.

25 (d) PROCEDURES.—

1 (1) IN GENERAL.—Paid sick time shall be pro-
2 vided upon the oral or written request of an em-
3 ployee. Such request shall—

4 (A) include the expected duration of the
5 period of such time;

6 (B) in a case in which the need for such
7 period of time is foreseeable at least 7 days in
8 advance of such period, be provided at least 7
9 days in advance of such period; and

10 (C) otherwise, be provided as soon as prac-
11 ticable after the employee is aware of the need
12 for such period.

13 (2) CERTIFICATION IN GENERAL.—

14 (A) PROVISION.—

15 (i) IN GENERAL.—Subject to subpara-
16 graph (C), an employer may require that a
17 request for paid sick time under this sec-
18 tion for a purpose described in paragraph
19 (1), (2), or (3) of subsection (b) be sup-
20 ported by a certification issued by the
21 health care provider of the eligible em-
22 ployee or of an individual described in sub-
23 section (b)(3), as appropriate, if the period
24 of such time covers more than 3 consecu-
25 tive workdays.

1 (ii) TIMELINESS.—The employee shall
2 provide a copy of such certification to the
3 employer in a timely manner, not later
4 than 30 days after the first day of the pe-
5 riod of time. The employer shall not delay
6 the commencement of the period of time on
7 the basis that the employer has not yet re-
8 ceived the certification.

9 (B) SUFFICIENT CERTIFICATION.—

10 (i) IN GENERAL.—A certification pro-
11 vided under subparagraph (A) shall be suf-
12 ficient if it states—

13 (I) the date on which the period
14 of time will be needed;

15 (II) the probable duration of the
16 period of time;

17 (III) the appropriate medical
18 facts within the knowledge of the
19 health care provider regarding the
20 condition involved, subject to clause
21 (ii); and

22 (IV)(aa) for purposes of paid sick
23 time under subsection (b)(1), a state-
24 ment that absence from work is medi-
25 cally necessary;

1 (bb) for purposes of such time
2 under subsection (b)(2), the dates on
3 which testing for a medical diagnosis
4 or care is expected to be given and the
5 duration of such testing or care; and

6 (cc) for purposes of such time
7 under subsection (b)(3), in the case of
8 time to care for someone who is not a
9 child, a statement that care is needed
10 for an individual described in such
11 subsection, and an estimate of the
12 amount of time that such care is
13 needed for such individual.

14 (ii) LIMITATION.—In issuing a certifi-
15 cation under subparagraph (A), a health
16 care provider shall make reasonable efforts
17 to limit the medical facts described in
18 clause (i)(III) that are disclosed in the cer-
19 tification to the minimum necessary to es-
20 tablish a need for the employee to utilize
21 paid sick time.

22 (C) REGULATIONS.—Regulations pre-
23 scribed under section 13 shall specify the man-
24 ner in which an employee who does not have

1 health insurance shall provide a certification for
2 purposes of this paragraph.

3 (D) CONFIDENTIALITY AND NONDISCLO-
4 SURE.—

5 (i) PROTECTED HEALTH INFORMA-
6 TION.—Nothing in this Act shall be con-
7 strued to require a health care provider to
8 disclose information in violation of section
9 1177 of the Social Security Act (42 U.S.C.
10 1320d–6) or the regulations promulgated
11 pursuant to section 264(c) of the Health
12 Insurance Portability and Accountability
13 Act of 1996 (42 U.S.C. 1320d–2 note).

14 (ii) HEALTH INFORMATION
15 RECORDS.—If an employer possesses
16 health information about an employee or
17 an employee’s child, parent, spouse, domes-
18 tic partner, or an individual related to the
19 employee as described in subsection (b)(3),
20 such information shall—

21 (I) be maintained on a separate
22 form and in a separate file from other
23 personnel information;

24 (II) be treated as a confidential
25 medical record; and

1 (III) not be disclosed except to
2 the affected employee or with the per-
3 mission of the affected employee.

4 (3) CERTIFICATION IN THE CASE OF DOMESTIC
5 VIOLENCE, SEXUAL ASSAULT, OR STALKING.—

6 (A) IN GENERAL.—An employer may re-
7 quire that a request for paid sick time under
8 this section for a purpose described in sub-
9 section (b)(4) be supported by 1 of the fol-
10 lowing forms of documentation:

11 (i) A police report indicating that the
12 employee, or a member of the employee's
13 family described in subsection (b)(4), was
14 a victim of domestic violence, sexual as-
15 sault, or stalking.

16 (ii) A court order protecting or sepa-
17 rating the employee or a member of the
18 employee's family described in subsection
19 (b)(4) from the perpetrator of an act of
20 domestic violence, sexual assault, or stalk-
21 ing, or other evidence from the court or
22 prosecuting attorney that the employee or
23 a member of the employee's family de-
24 scribed in subsection (b)(4) has appeared
25 in court or is scheduled to appear in court

1 in a proceeding related to domestic vio-
2 lence, sexual assault, or stalking.

3 (iii) Other documentation signed by
4 an employee or volunteer working for a vic-
5 tim services organization, an attorney, a
6 police officer, a medical professional, a so-
7 cial worker, an antiviolence counselor, or a
8 member of the clergy, affirming that the
9 employee or a member of the employee's
10 family described in subsection (b)(4) is a
11 victim of domestic violence, sexual assault,
12 or stalking.

13 (B) REQUIREMENTS.—The requirements
14 of paragraph (2) shall apply to certifications
15 under this paragraph, except that—

16 (i) subclauses (III) and (IV) of sub-
17 paragraph (B)(i) and subparagraph (B)(ii)
18 of such paragraph shall not apply;

19 (ii) the certification shall state the
20 reason that the leave is required with the
21 facts to be disclosed limited to the min-
22 imum necessary to establish a need for the
23 employee to be absent from work, and the
24 employee shall not be required to explain

1 the details of the domestic violence, sexual
2 assault, or stalking involved; and

3 (iii) with respect to confidentiality
4 under subparagraph (D) of such para-
5 graph, any information provided to the em-
6 ployer under this paragraph shall be con-
7 fidential, except to the extent that any dis-
8 closure of such information is—

9 (I) requested or consented to in
10 writing by the employee; or

11 (II) otherwise required by appli-
12 cable Federal or State law.

13 **SEC. 6. POSTING REQUIREMENT.**

14 (a) IN GENERAL.—Each employer shall post and
15 keep posted a notice, to be prepared or approved in ac-
16 cordance with procedures specified in regulations pre-
17 scribed under section 13, setting forth excerpts from, or
18 summaries of, the pertinent provisions of this Act includ-
19 ing—

20 (1) information describing paid sick time avail-
21 able to employees under this Act;

22 (2) information pertaining to the filing of an
23 action under this Act;

1 (3) the details of the notice requirement for a
2 foreseeable period of time under section 5(d)(1)(B);
3 and

4 (4) information that describes—

5 (A) the protections that an employee has
6 in exercising rights under this Act; and

7 (B) how the employee can contact the Sec-
8 retary (or other appropriate authority as de-
9 scribed in section 8) if any of the rights are vio-
10 lated.

11 (b) LOCATION.—The notice described under sub-
12 section (a) shall be posted—

13 (1) in conspicuous places on the premises of the
14 employer, where notices to employees (including ap-
15 plicants) are customarily posted; or

16 (2) in employee handbooks.

17 (c) VIOLATION; PENALTY.—Any employer who will-
18 fully violates the posting requirements of this section shall
19 be subject to a civil fine in an amount not to exceed \$100
20 for each separate offense.

21 **SEC. 7. PROHIBITED ACTS.**

22 (a) INTERFERENCE WITH RIGHTS.—

23 (1) EXERCISE OF RIGHTS.—It shall be unlawful
24 for any employer to interfere with, restrain, or deny

1 the exercise of, or the attempt to exercise, any right
2 provided under this Act, including—

3 (A) discharging or discriminating against
4 (including retaliating against) any individual,
5 including a job applicant, for exercising, or at-
6 tempting to exercise, any right provided under
7 this Act;

8 (B) using the taking of paid sick time
9 under this Act as a negative factor in an em-
10 ployment action, such as hiring, promotion, or
11 a disciplinary action; or

12 (C) counting the paid sick time under a
13 no-fault attendance policy or any other absence
14 control policy.

15 (2) DISCRIMINATION.—It shall be unlawful for
16 any employer to discharge or in any other manner
17 discriminate against (including retaliating against)
18 any individual, including a job applicant, for oppos-
19 ing any practice made unlawful by this Act.

20 (b) INTERFERENCE WITH PROCEEDINGS OR INQUIR-
21 IES.—It shall be unlawful for any person to discharge or
22 in any other manner discriminate against (including retali-
23 ating against) any individual, including a job applicant,
24 because such individual—

1 (1) has filed an action, or has instituted or
2 caused to be instituted any proceeding, under or re-
3 lated to this Act;

4 (2) has given, or is about to give, any informa-
5 tion in connection with any inquiry or proceeding re-
6 lating to any right provided under this Act; or

7 (3) has testified, or is about to testify, in any
8 inquiry or proceeding relating to any right provided
9 under this Act.

10 (c) CONSTRUCTION.—Nothing in this section shall be
11 construed to state or imply that the scope of the activities
12 prohibited by section 105 of the Family and Medical Leave
13 Act of 1993 (29 U.S.C. 2615) is less than the scope of
14 the activities prohibited by this section.

15 **SEC. 8. ENFORCEMENT AUTHORITY.**

16 (a) IN GENERAL.—

17 (1) DEFINITION.—In this subsection:

18 (A) the term “employee” means an em-
19 ployee described in subparagraph (A) or (B) of
20 section 4(4); and

21 (B) the term “employer” means an em-
22 ployer described in subclause (I) or (II) of sec-
23 tion 4(5)(A)(i).

24 (2) INVESTIGATIVE AUTHORITY.—

1 (A) IN GENERAL.—To ensure compliance
2 with the provisions of this Act, or any regula-
3 tion or order issued under this Act, the Sec-
4 retary shall have, subject to subparagraph (C),
5 the investigative authority provided under sec-
6 tion 11(a) of the Fair Labor Standards Act of
7 1938 (29 U.S.C. 211(a)), with respect to em-
8 ployers, employees, and other individuals af-
9 fected.

10 (B) OBLIGATION TO KEEP AND PRESERVE
11 RECORDS.—An employer shall make, keep, and
12 preserve records pertaining to compliance with
13 this Act in accordance with section 11(c) of the
14 Fair Labor Standards Act of 1938 (29 U.S.C.
15 211(c)) and in accordance with regulations pre-
16 scribed by the Secretary.

17 (C) REQUIRED SUBMISSIONS GENERALLY
18 LIMITED TO AN ANNUAL BASIS.—The Secretary
19 shall not require, under the authority of this
20 paragraph, an employer to submit to the Sec-
21 retary any books or records more than once
22 during any 12-month period, unless the Sec-
23 retary has reasonable cause to believe there
24 may exist a violation of this Act or any regula-
25 tion or order issued pursuant to this Act, or is

1 investigating a charge pursuant to paragraph
2 (4).

3 (D) SUBPOENA AUTHORITY.—For the pur-
4 poses of any investigation provided for in this
5 paragraph, the Secretary shall have the sub-
6 poena authority provided for under section 9 of
7 the Fair Labor Standards Act of 1938 (29
8 U.S.C. 209).

9 (3) CIVIL ACTION BY EMPLOYEES OR INDIVID-
10 UALS.—

11 (A) RIGHT OF ACTION.—An action to re-
12 cover the damages or equitable relief prescribed
13 in subparagraph (B) may be maintained
14 against any employer in any Federal or State
15 court of competent jurisdiction by one or more
16 employees or individuals or their representative
17 for and on behalf of—

18 (i) the employees or individuals; or
19 (ii) the employees or individuals and
20 others similarly situated.

21 (B) LIABILITY.—Any employer who vio-
22 lates section 7 (including a violation relating to
23 rights provided under section 5) shall be liable
24 to any employee or individual affected—

25 (i) for damages equal to—

1 (I) the amount of—

2 (aa) any wages, salary, em-
3 ployment benefits, or other com-
4 pensation denied or lost by rea-
5 son of the violation; or

6 (bb) in a case in which
7 wages, salary, employment bene-
8 fits, or other compensation have
9 not been denied or lost, any ac-
10 tual monetary losses sustained as
11 a direct result of the violation up
12 to a sum equal to 56 hours of
13 wages or salary for the employee
14 or individual;

15 (II) the interest on the amount
16 described in subclause (I) calculated
17 at the prevailing rate; and

18 (III) an additional amount as liq-
19 uidated damages; and

20 (ii) for such equitable relief as may be
21 appropriate, including employment, rein-
22 statement, and promotion.

23 (C) FEES AND COSTS.—The court in an
24 action under this paragraph shall, in addition to
25 any judgment awarded to the plaintiff, allow a

1 reasonable attorney's fee, reasonable expert wit-
2 ness fees, and other costs of the action to be
3 paid by the defendant.

4 (4) ACTION BY THE SECRETARY.—

5 (A) ADMINISTRATIVE ACTION.—The Sec-
6 retary shall receive, investigate, and attempt to
7 resolve complaints of violations of section 7 (in-
8 cluding a violation relating to rights provided
9 under section 5) in the same manner that the
10 Secretary receives, investigates, and attempts to
11 resolve complaints of violations of sections 6
12 and 7 of the Fair Labor Standards Act of 1938
13 (29 U.S.C. 206 and 207).

14 (B) CIVIL ACTION.—The Secretary may
15 bring an action in any court of competent juris-
16 diction to recover the damages described in
17 paragraph (3)(B)(i).

18 (C) SUMS RECOVERED.—Any sums recov-
19 ered by the Secretary pursuant to subparagraph
20 (B) shall be held in a special deposit account
21 and shall be paid, on order of the Secretary, di-
22 rectly to each employee or individual affected.
23 Any such sums not paid to an employee or indi-
24 vidual affected because of inability to do so
25 within a period of 3 years shall be deposited

1 into the Treasury of the United States as mis-
2 cellaneous receipts.

3 (5) LIMITATION.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), an action may be brought
6 under paragraph (3), (4), or (6) not later than
7 2 years after the date of the last event consti-
8 tuting the alleged violation for which the action
9 is brought.

10 (B) WILLFUL VIOLATION.—In the case of
11 an action brought for a willful violation of sec-
12 tion 7 (including a willful violation relating to
13 rights provided under section 5), such action
14 may be brought within 3 years of the date of
15 the last event constituting the alleged violation
16 for which such action is brought.

17 (C) COMMENCEMENT.—In determining
18 when an action is commenced under paragraph
19 (3), (4), or (6) for the purposes of this para-
20 graph, it shall be considered to be commenced
21 on the date when the complaint is filed.

22 (6) ACTION FOR INJUNCTION BY SECRETARY.—

23 The district courts of the United States shall have
24 jurisdiction, for cause shown, in an action brought
25 by the Secretary—

1 (A) to restrain violations of section 7 (in-
2 cluding a violation relating to rights provided
3 under section 5), including the restraint of any
4 withholding of payment of wages, salary, em-
5 ployment benefits, or other compensation, plus
6 interest, found by the court to be due to em-
7 ployees or individuals eligible under this Act; or

8 (B) to award such other equitable relief as
9 may be appropriate, including employment, re-
10 instatement, and promotion.

11 (7) SOLICITOR OF LABOR.—The Solicitor of
12 Labor may appear for and represent the Secretary
13 on any litigation brought under paragraph (4) or
14 (6).

15 (8) GOVERNMENT ACCOUNTABILITY OFFICE
16 AND LIBRARY OF CONGRESS.—Notwithstanding any
17 other provision of this subsection, in the case of the
18 Government Accountability Office and the Library of
19 Congress, the authority of the Secretary of Labor
20 under this subsection shall be exercised respectively
21 by the Comptroller General of the United States and
22 the Librarian of Congress.

23 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
24 COUNTABILITY ACT OF 1995.—The powers, remedies, and
25 procedures provided in the Congressional Accountability

1 Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as de-
2 fined in section 101 of that Act (2 U.S.C. 1301)), or any
3 person, alleging a violation of section 202(a)(1) of that
4 Act (2 U.S.C. 1312(a)(1)) shall be the powers, remedies,
5 and procedures this Act provides to that Board, or any
6 person, alleging an unlawful employment practice in viola-
7 tion of this Act against an employee described in section
8 4(4)(C).

9 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
10 3, UNITED STATES CODE.—The powers, remedies, and
11 procedures provided in chapter 5 of title 3, United States
12 Code, to the President, the Merit Systems Protection
13 Board, or any person, alleging a violation of section
14 412(a)(1) of that title, shall be the powers, remedies, and
15 procedures this Act provides to the President, that Board,
16 or any person, respectively, alleging an unlawful employ-
17 ment practice in violation of this Act against an employee
18 described in section 4(4)(D).

19 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE
20 5, UNITED STATES CODE.—The powers, remedies, and
21 procedures provided in title 5, United States Code, to an
22 employing agency, provided in chapter 12 of that title to
23 the Merit Systems Protection Board, or provided in that
24 title to any person, alleging a violation of chapter 63 of
25 that title, shall be the powers, remedies, and procedures

1 this Act provides to that agency, that Board, or any per-
2 son, respectively, alleging an unlawful employment prac-
3 tice in violation of this Act against an employee described
4 in section 4(4)(E).

5 (e) REMEDIES FOR STATE EMPLOYEES.—

6 (1) WAIVER OF SOVEREIGN IMMUNITY.—A
7 State’s receipt or use of Federal financial assistance
8 for any program or activity of a State shall con-
9 stitute a waiver of sovereign immunity, under the
10 11th Amendment to the Constitution or otherwise,
11 to a suit brought by an employee of that program
12 or activity under this Act for equitable, legal, or
13 other relief authorized under this Act.

14 (2) OFFICIAL CAPACITY.—An official of a State
15 may be sued in the official capacity of the official by
16 any employee who has complied with the procedures
17 under subsection (a)(3), for injunctive relief that is
18 authorized under this Act. In such a suit the court
19 may award to the prevailing party those costs au-
20 thorized by section 722 of the Revised Statutes (42
21 U.S.C. 1988).

22 (3) APPLICABILITY.—With respect to a par-
23 ticular program or activity, paragraph (1) applies to
24 conduct occurring on or after the day, after the date
25 of enactment of this Act, on which a State first re-

1 ceives or uses Federal financial assistance for that
2 program or activity.

3 (4) DEFINITION OF PROGRAM OR ACTIVITY.—In
4 this subsection, the term “program or activity” has
5 the meaning given the term in section 606 of the
6 Civil Rights Act of 1964 (42 U.S.C. 2000d–4a).

7 **SEC. 9. COLLECTION OF DATA ON PAID SICK TIME AND**
8 **FURTHER STUDY.**

9 (a) COMPILATION OF INFORMATION.—Effective 90
10 days after the date of enactment of this Act, the Commis-
11 sioner of Labor Statistics shall annually compile informa-
12 tion on the following:

13 (1) The number of employees who used paid
14 sick time.

15 (2) The number of hours of paid sick time
16 used.

17 (3) The number of employees who used paid
18 sick time for absences necessary due to domestic vio-
19 lence, sexual assault, or stalking.

20 (4) The demographic characteristics of employ-
21 ees who were eligible for and who used paid sick
22 time.

23 (b) GAO STUDY.—

1 (1) IN GENERAL.—The Comptroller General of
2 the United States shall annually conduct a study to
3 determine the following:

4 (A)(i) The number of days employees used
5 paid sick time and the reasons for the use.

6 (ii) The number of employees who used the
7 paid sick time for periods of time covering more
8 than 3 consecutive workdays.

9 (B) The cost and benefits to employers of
10 implementing the paid sick time policies.

11 (C) The cost to employees of providing cer-
12 tification to obtain the paid sick time.

13 (D) The benefits of the paid sick time to
14 employees and their family members, including
15 effects on employees' ability to care for their
16 family members or to provide for their own
17 health needs.

18 (E) Whether the paid sick time affected
19 employees' ability to sustain an adequate in-
20 come while meeting needs of the employees and
21 their family members.

22 (F) Whether employers who administered
23 paid sick time policies prior to the date of en-
24 actment of this Act were affected by the provi-
25 sions of this Act.

1 (G) Whether other types of leave were af-
2 fected by this Act.

3 (H) Whether paid sick time affected reten-
4 tion and turnover and costs of presenteeism.

5 (I) Whether the paid sick time increased
6 the use of less costly preventive medical care
7 and lowered the use of emergency room care.

8 (J) Whether the paid sick time reduced the
9 number of children sent to school when the chil-
10 dren were sick.

11 (2) DISAGGREGATING DATA.—The data col-
12 lected under subparagraphs (A) and (D) of para-
13 graph (1) shall be disaggregated by gender, race,
14 disability, earnings level, age, marital status, family
15 type, including parental status, and industry.

16 (3) REPORTS.—

17 (A) IN GENERAL.—Not later than 18
18 months after the date of enactment of this Act,
19 the Comptroller General of the United States
20 shall prepare and submit a report to the appro-
21 priate committees of Congress concerning the
22 results of the study conducted pursuant to
23 paragraph (1) and the data aggregated under
24 paragraph (2).

1 (B) FOLLOWUP REPORT.—Not later than
2 5 years after the date of enactment of this Act,
3 the Comptroller General of the United States
4 shall prepare and submit a followup report to
5 the appropriate committees of Congress con-
6 cerning the results of the study conducted pur-
7 suant to paragraph (1) and the data aggregated
8 under paragraph (2).

9 **SEC. 10. EFFECT ON OTHER LAWS.**

10 (a) FEDERAL AND STATE ANTIDISCRIMINATION
11 LAWS.—Nothing in this Act shall be construed to modify
12 or affect any Federal or State law prohibiting discrimina-
13 tion on the basis of race, religion, color, national origin,
14 sex, age, disability, sexual orientation, gender identity,
15 marital status, familial status, or any other protected sta-
16 tus.

17 (b) STATE AND LOCAL LAWS.—Nothing in this Act
18 shall be construed to supersede (including preempting)
19 any provision of any State or local law that provides great-
20 er paid sick time or leave rights (including greater
21 amounts of paid sick time or leave, or greater coverage
22 of those eligible for paid sick time or leave) than the rights
23 established under this Act.

1 **SEC. 11. EFFECT ON EXISTING EMPLOYMENT BENEFITS.**

2 (a) MORE PROTECTIVE.—Nothing in this Act shall
3 be construed to diminish the obligation of an employer to
4 comply with any contract, collective bargaining agreement,
5 or any employment benefit program or plan that provides
6 greater paid sick leave or other leave rights to employees
7 or individuals than the rights established under this Act.

8 (b) LESS PROTECTIVE.—The rights established for
9 employees under this Act shall not be diminished by any
10 contract, collective bargaining agreement, or any employ-
11 ment benefit program or plan.

12 **SEC. 12. ENCOURAGEMENT OF MORE GENEROUS LEAVE**
13 **POLICIES.**

14 Nothing in this Act shall be construed to discourage
15 employers from adopting or retaining leave policies more
16 generous than policies that comply with the requirements
17 of this Act.

18 **SEC. 13. REGULATIONS.**

19 (a) IN GENERAL.—

20 (1) AUTHORITY.—Except as provided in para-
21 graph (2), not later than 180 days after the date of
22 enactment of this Act, the Secretary shall prescribe
23 such regulations as are necessary to carry out this
24 Act with respect to employees described in subpara-
25 graph (A) or (B) of section 4(4) and other individ-

1 uals affected by employers described in subclause (I)
2 or (II) of section 4(5)(A)(i).

3 (2) GOVERNMENT ACCOUNTABILITY OFFICE; LI-
4 BRARY OF CONGRESS.—The Comptroller General of
5 the United States and the Librarian of Congress
6 shall prescribe the regulations with respect to em-
7 ployees of the Government Accountability Office and
8 the Library of Congress, respectively, and other indi-
9 viduals affected by the Comptroller General of the
10 United States and the Librarian of Congress, re-
11 spectively.

12 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
13 COUNTABILITY ACT OF 1995.—

14 (1) AUTHORITY.—Not later than 90 days after
15 the Secretary prescribes regulations under section
16 13(a), the Board of Directors of the Office of Com-
17 pliance shall prescribe (in accordance with section
18 304 of the Congressional Accountability Act of 1995
19 (2 U.S.C. 1384)) such regulations as are necessary
20 to carry out this Act with respect to employees de-
21 scribed in section 4(4)(C) and other individuals af-
22 fected by employers described in section
23 4(5)(A)(i)(III).

24 (2) AGENCY REGULATIONS.—The regulations
25 prescribed under paragraph (1) shall be the same as

1 substantive regulations promulgated by the Sec-
2 retary to carry out this Act except insofar as the
3 Board may determine, for good cause shown and
4 stated together with the regulations prescribed
5 under paragraph (1), that a modification of such
6 regulations would be more effective for the imple-
7 mentation of the rights and protections involved
8 under this section.

9 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
10 3, UNITED STATES CODE.—

11 (1) AUTHORITY.—Not later than 90 days after
12 the Secretary prescribes regulations under section
13 13(a), the President (or the designee of the Presi-
14 dent) shall prescribe such regulations as are nec-
15 essary to carry out this Act with respect to employ-
16 ees described in section 4(4)(D) and other individ-
17 uals affected by employers described in section
18 4(5)(A)(i)(IV).

19 (2) AGENCY REGULATIONS.—The regulations
20 prescribed under paragraph (1) shall be the same as
21 substantive regulations promulgated by the Sec-
22 retary to carry out this Act except insofar as the
23 President (or designee) may determine, for good
24 cause shown and stated together with the regula-
25 tions prescribed under paragraph (1), that a modi-

1 fication of such regulations would be more effective
2 for the implementation of the rights and protections
3 involved under this section.

4 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE
5 5, UNITED STATES CODE.—

6 (1) AUTHORITY.—Not later than 90 days after
7 the Secretary prescribes regulations under section
8 13(a), the Director of the Office of Personnel Man-
9 agement shall prescribe such regulations as are nec-
10 essary to carry out this Act with respect to employ-
11 ees described in section 4(4)(E) and other individ-
12 uals affected by employers described in section
13 4(5)(A)(i)(V).

14 (2) AGENCY REGULATIONS.—The regulations
15 prescribed under paragraph (1) shall be the same as
16 substantive regulations promulgated by the Sec-
17 retary to carry out this Act except insofar as the Di-
18 rector may determine, for good cause shown and
19 stated together with the regulations prescribed
20 under paragraph (1), that a modification of such
21 regulations would be more effective for the imple-
22 mentation of the rights and protections involved
23 under this section.

1 **SEC. 14. EFFECTIVE DATES.**

2 (a) **EFFECTIVE DATE.**—This Act shall take effect 6
3 months after the date of issuance of regulations under sec-
4 tion 13(a)(1).

5 (b) **COLLECTIVE BARGAINING AGREEMENTS.**—In the
6 case of a collective bargaining agreement in effect on the
7 effective date prescribed by subsection (a), this Act shall
8 take effect on the earlier of—

9 (1) the date of the termination of such agree-
10 ment; or

11 (2) the date that occurs 18 months after the
12 date of issuance of regulations under section
13 13(a)(1).

○