

114TH CONGRESS
1ST SESSION

S. 1564

To require that employers provide not less than 10 days of paid vacation time to eligible employees, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 11, 2015

Mr. SANDERS introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To require that employers provide not less than 10 days of paid vacation time to eligible employees, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Guaranteed Paid Vaca-
5 tion Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ELIGIBLE EMPLOYEE.**—The term “eligible
9 employee” means an employee who—

1 (A) has been employed for not less than 1
2 year by the employer providing the paid vaca-
3 tion time under section 3; and

4 (B) through such employment, has pro-
5 vided not less than 1,250 hours of service to
6 such employer during the previous year.

7 (2) EMPLOYEE.—The term “employee” means
8 an individual who is—

9 (A)(i) an employee, as defined in section
10 3(e) of the Fair Labor Standards Act of 1938
11 (29 U.S.C. 203(e)), who is not covered under
12 subparagraph (E), including such an employee
13 of the Library of Congress, except that a ref-
14 erence in such section to an employer shall be
15 considered to be a reference to an employer who
16 employs not less than 15 employees at any time
17 during a calendar year and is described in
18 clauses (i)(I) and (ii) of paragraph (3)(A); or

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

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

24 (C) a covered employee, as defined in sec-
25 tion 101 of the Congressional Accountability

1 Act of 1995 (2 U.S.C. 1301), other than an ap-
2 plicant for employment;

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

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

8 (3) EMPLOYER.—

9 (A) IN GENERAL.—The term “employer”
10 means a person who employs not less than 15
11 employees at any time during a calender year
12 and is—

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

14 (II) includes—

15 (aa) any person who acts,
16 directly or indirectly, in the inter-
17 est of an employer to any of the
18 employees of such employer; and

19 (bb) any successor in inter-
20 est of an employer;

21 (III) includes any “public agen-
22 cy”, as defined in section 3(x) of the
23 Fair Labor Standards Act of 1938
24 (29 U.S.C. 203(x)); and

1 (IV) includes the Government
2 Accountability Office and the Library
3 of Congress.

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

9 (iii) DEFINITIONS.—For purposes of
10 this subparagraph:

11 (I) COMMERCE.—The terms
12 “commerce” and “industry or activity
13 affecting commerce” mean any activ-
14 ity, business, or industry in commerce
15 or in which a labor dispute would
16 hinder or obstruct commerce or the
17 free flow of commerce, and include
18 “commerce” and any “industry affect-
19 ing commerce”, as defined in para-
20 graphs (1) and (3) of section 501 of
21 the Labor Management Relations Act,
22 1947 (29 U.S.C. 142 (1) and (3)).

23 (II) EMPLOYEE.—The term “em-
24 ployee” has the same meaning given
25 such term in section 3(e) of the Fair

1 Labor Standards Act of 1938 (29
2 U.S.C. 203(e)).

3 (III) PERSON.—The term “per-
4 son” has the same meaning given
5 such term in section 3(a) of the Fair
6 Labor Standards Act of 1938 (29
7 U.S.C. 203(a)).

8 (C) PREDECESSORS.—Any reference in
9 this paragraph to an employer shall include a
10 reference to any predecessor of such employer.

11 (4) PAID VACATION TIME.—The term “paid va-
12 cation time” means an increment of compensated
13 leave to which an eligible employee is entitled under
14 section 3 to use during an absence from employ-
15 ment, in accordance with the provisions of such sec-
16 tion. For purposes of this paragraph and section 3,
17 any sick leave, family leave, or leave otherwise re-
18 quired by law (other than this Act) shall not be
19 treated as or counted towards leave to which an eli-
20 gible employee is entitled under section 3.

21 (5) SECRETARY.—The term “Secretary” means
22 the Secretary of Labor.

23 **SEC. 3. GUARANTEED PAID VACATION TIME.**

24 (a) IN GENERAL.—Beginning 1 year after the date
25 of enactment of this Act, an eligible employee of an em-

1 ployer shall be entitled to not less than 10 days of paid
2 vacation time during each 12-month period to be used on
3 consecutive or nonconsecutive days.

4 (b) LIMITATION ON CARRYOVER.—Any paid vacation
5 time that is not used during the applicable 12-month pe-
6 riod shall not carry over to a subsequent 12-month period.

7 (c) WRITTEN NOTICE.—Not later than 15 days prior
8 to the date on which an eligible employee is to begin to
9 use any paid vacation time, the eligible employee shall pro-
10 vide the employer with written notice of the intention to
11 use such paid vacation time, including an indication of the
12 dates on which such paid vacation time are to begin and
13 end.

14 (d) COMPENSATION.—

15 (1) RATE OF COMPENSATION.—

16 (A) IN GENERAL.—Subject to subpara-
17 graph (B), an eligible employee using paid vaca-
18 tion time shall be compensated at the rate at
19 which such eligible employee would be com-
20 pensated if not using paid vacation time.

21 (B) TIPPED EMPLOYEES.—An eligible em-
22 ployee who is a tipped employee using paid va-
23 cation time shall be compensated at the rate in
24 effect under section 6(a)(1) of the Fair Labor
25 Standards Act of 1938 (29 U.S.C. 206(a)(1)).

1 (2) EMPLOYMENT BENEFITS.—

2 (A) IN GENERAL.—Any employment bene-
3 fits offered to an eligible employee, when such
4 eligible employee is not using paid vacation
5 time, shall continue to be offered to such eligi-
6 ble employee when such eligible employee is
7 using paid vacation time. Such continued em-
8 ployment benefits shall be offered at the same
9 level and under the same conditions as employ-
10 ment benefits offered to such eligible employee
11 when such eligible employee is not using paid
12 vacation time.

13 (B) COST CONTRIBUTIONS.—If the em-
14 ployer requires an eligible employee to con-
15 tribute to the cost of the benefits described in
16 subparagraph (A), the employer may require
17 that such eligible employee contribute to such
18 cost during the use of paid vacation time at the
19 same rate as the rate at which such eligible em-
20 ployee would otherwise be required to con-
21 tribute if not using paid vacation time.

22 (C) RESTORATION TO POSITION.—Any eli-
23 gible employee who uses paid vacation time
24 shall be entitled, on return from using such
25 paid vacation time, to be restored by the em-

1 ployer to the position of employment held by
 2 such eligible employee when such paid vacation
 3 time commenced.

4 (e) EMPLOYERS WITH EXISTING POLICIES.—Any
 5 employer with a paid leave policy who provides an amount
 6 of paid leave that is sufficient to meet the requirements
 7 of this section and that may be used under the same condi-
 8 tions as the conditions described in this section shall not
 9 be required to provide an eligible employee with additional
 10 paid vacation time under this section.

11 (f) ENFORCEMENT.—

12 (1) EMPLOYEES COVERED BY THE FAIR LABOR
 13 STANDARDS ACT OF 1938 AND OTHER EMPLOYEES.—

14 (A) DEFINITION.—In this paragraph—

15 (i) the term “eligible employee”
 16 means an eligible employee who is an em-
 17 ployee described in subparagraph (A) or
 18 (B) of section 2(2); and

19 (ii) the term “employer” means an
 20 employer who employs not less than 15
 21 employees at any time during a calendar
 22 year and is described in subclause (I) or
 23 (II) of section 2(3)(A)(i).

24 (B) SECRETARY OF LABOR.—With respect
 25 to an eligible employee and an employer and

1 notwithstanding section 13 of the Fair Labor
2 Standards Act of 1938 (29 U.S.C. 213), the
3 Secretary shall receive, investigate, attempt to
4 resolve, and enforce a complaint of a violation
5 of this Act in the same manner that the Sec-
6 retary receives, investigates, attempts to re-
7 solve, and enforces a complaint of a violation of
8 section 7 of the Fair Labor Standards Act of
9 1938 (29 U.S.C. 207). An employer's liability
10 for a violation under this Act shall be, as the
11 case may be—

12 (i) the amount of unpaid vacation
13 time owed to such employee under this sec-
14 tion, and an additional equal amount as
15 liquidated damages; or

16 (ii) compensation in accordance with
17 subsection (d) for any uncompensated un-
18 paid vacation time used by the eligible em-
19 ployee, and an additional equal amount as
20 liquidated damages.

21 (C) GOVERNMENT ACCOUNTABILITY OF-
22 FICE.—Notwithstanding any other provision of
23 this paragraph, in the case of the Government
24 Accountability Office and the Library of Con-
25 gress, the authority of the Secretary under this

1 paragraph shall be exercised respectively by the
2 Comptroller General of the United States and
3 the Librarian of Congress.

4 (2) EMPLOYEES COVERED BY CONGRESSIONAL
5 ACCOUNTABILITY ACT OF 1995.—The powers, rem-
6 edies, and procedures provided in the Congressional
7 Accountability Act of 1995 (2 U.S.C. 1301 et seq.)
8 to the Board (as defined in section 101 of that Act
9 (2 U.S.C. 1301)), or any person, alleging a violation
10 of section 202(a)(1) of that Act (2 U.S.C.
11 1312(a)(1)) shall be the powers, remedies, and pro-
12 cedures this Act provides to that Board, or any per-
13 son, alleging an unlawful employment practice in
14 violation of this Act against an eligible employee who
15 is an employee described in section 2(2)(C).

16 (3) EMPLOYEES COVERED BY CHAPTER 5 OF
17 TITLE 3, UNITED STATES CODE.—The powers, rem-
18 edies, and procedures provided in chapter 5 of title
19 3, United States Code, to the President, the Merit
20 Systems Protection Board, or any person, alleging a
21 violation of section 412(a)(1) of that title, shall be
22 the powers, remedies, and procedures this Act pro-
23 vides to the President, that Board, or any person,
24 respectively, alleging an unlawful employment prac-
25 tice in violation of this Act against an eligible em-

1 ployee who is an employee described in section
2 2(2)(D).

3 (4) EMPLOYEES COVERED BY CHAPTER 63 OF
4 TITLE 5, UNITED STATES CODE.—The powers, rem-
5 edies, and procedures provided in title 5, United
6 States Code, to an employing agency, provided in
7 chapter 12 of that title to the Merit Systems Protec-
8 tion Board, or provided in that title to any person,
9 alleging a violation of chapter 63 of that title, shall
10 be the powers, remedies, and procedures this Act
11 provides to that agency, that Board, or any person,
12 respectively, alleging an unlawful employment prac-
13 tice in violation of this Act against an eligible em-
14 ployee who is an employee described in section
15 2(2)(E).

16 **SEC. 4. PUBLIC AWARENESS CAMPAIGN BY THE DEPART-**
17 **MENT OF LABOR.**

18 (a) IN GENERAL.—The Secretary is authorized to
19 conduct a public awareness campaign, through the Inter-
20 net and other media, to inform the public of an eligible
21 employee’s entitlement to paid vacation time under this
22 Act.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as may be
3 necessary to carry out subsection (a).

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