

115TH CONGRESS  
2D SESSION

# H. R. 6098

To amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to permit leave to care for a domestic partner, parent-in-law, adult child, sibling, grandchild, or grandparent who has a serious health condition, and 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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2018

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

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## A BILL

To amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to permit leave to care for a domestic partner, parent-in-law, adult child, sibling, grandchild, or grandparent who has a serious health condition, and 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.

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 Medical Leave  
3 Modernization Act”.

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 15”.

9 **SEC. 3. LEAVE TO CARE FOR A DOMESTIC PARTNER, PAR-**  
10 **ENT-IN-LAW, ADULT CHILD, SIBLING, GRAND-**  
11 **PARENT, GRANDCHILD, AUNT, UNCLE, OR**  
12 **OTHER INDIVIDUAL RELATED BY BLOOD OR**  
13 **AFFINITY.**

14 (a) DEFINITIONS.—

15 (1) INCLUSION OF GRANDPARENTS, GRAND-  
16 CHILDREN, PARENTS-IN-LAW, SIBLINGS, AND DO-  
17 MESTIC PARTNERS.—Section 101 of such Act is fur-  
18 ther amended by adding at the end the following:

19 “(20) DOMESTIC PARTNER.—The term ‘domes-  
20 tic partner’ means—

21 “(A) the person recognized as the domestic  
22 partner of the employee under any domestic  
23 partner registry or civil union laws of the State  
24 or political subdivision of a State; or

25 “(B) in the case of an unmarried em-  
26 ployee, an unmarried adult person who is in a

1 committed, personal relationship with the em-  
2 ployee, is not a domestic partner to any other  
3 person, and who is designated to the employer  
4 by such employee as that employee's domestic  
5 partner.

6 “(21) GRANDCHILD.—The term ‘grandchild’  
7 means the son or daughter of an employee's son or  
8 daughter.

9 “(22) GRANDPARENT.—The term ‘grandparent’  
10 means a parent of a parent of an employee.

11 “(23) PARENT-IN-LAW.—The term ‘parent-in-  
12 law’ means a parent of the spouse or domestic part-  
13 ner of an employee.

14 “(24) SIBLING.—The term ‘sibling’ means any  
15 person who is a son or daughter of an employee's  
16 parent.

17 “(25) SON-IN-LAW AND DAUGHTER-IN-LAW.—  
18 The terms ‘son-in-law’ and ‘daughter-in-law’, used  
19 with respect to an employee, means any person who  
20 is a spouse or domestic partner of a son or daughter  
21 of the employee.

22 “(26) AUNT OR UNCLE.—The term ‘aunt or  
23 uncle of the employee’, means the sister or brother  
24 of an employee's parent.

1           “(27) ANY OTHER INDIVIDUAL RELATED BY  
 2           BLOOD OR AFFINITY WHOSE CLOSE ASSOCIATION IS  
 3           THE EQUIVALENT OF A FAMILY RELATIONSHIP.—  
 4           The term ‘any other individual related by blood or  
 5           affinity whose close association is the equivalent of  
 6           a family relationship’ means any person with whom  
 7           the employee has a significant personal bond that is  
 8           or is like a family relationship, regardless of biologi-  
 9           cal or legal relationship.”.

10           (2) INCLUSION OF ADULT CHILDREN AND CHIL-  
 11           DREN OF A DOMESTIC PARTNER.—Section 101(12)  
 12           of such Act (29 U.S.C. 2611(12)) is amended—

13                   (A) by inserting “a child of an individual’s  
 14                   domestic partner,” after “a legal ward,”; and

15                   (B) by striking “who is—” and all that  
 16                   follows and inserting “and includes an adult  
 17                   child”.

18           (b) LEAVE REQUIREMENT.—Section 102 of the Fam-  
 19           ily and Medical Leave Act of 1993 (29 U.S.C. 2612) is  
 20           amended—

21                   (1) in subsection (a)(1)(C), by striking “spouse,  
 22                   or a son, daughter, or parent of the employee, if  
 23                   such spouse, son, daughter, or parent” and inserting  
 24                   “spouse or domestic partner, or a son, daughter,  
 25                   parent, parent-in-law, grandparent, grandchild, sib-

1 ling, aunt, or uncle of the employee, or any other in-  
2 dividual related by blood or affinity whose close as-  
3 sociation with the employee is the equivalent of a  
4 family relationship, if such spouse, domestic partner,  
5 son, daughter, parent, parent-in-law, grandparent,  
6 grandchild, sibling, or such other individual”;

7 (2) in subsection (a)(1)(E), by striking “spouse,  
8 or a son, daughter, or parent of the employee” and  
9 inserting “spouse or domestic partner, or a son,  
10 daughter, parent, parent-in-law, grandchild, sibling,  
11 aunt, or uncle of the employee, or any other indi-  
12 vidual related by blood or affinity whose close asso-  
13 ciation with the employee is the equivalent of a fam-  
14 ily relationship”;

15 (3) in subsection (a)(3), by striking “spouse,  
16 son, daughter, parent, or next of kin of a covered  
17 service member” and inserting “spouse or domestic  
18 partner, son, daughter, son-in-law, daughter-in-law,  
19 parent, parent-in-law, grandparent, sibling, aunt, or  
20 uncle, or next of kin of a covered service member,  
21 or any other individual related by blood or affinity  
22 to a covered service member who close association  
23 with such service member is the equivalent of a fam-  
24 ily relationship”;

1           (4) in subsection (e)(2)(A), by striking “spouse,  
2           parent, or covered service member of the employee”  
3           and inserting “spouse or domestic partner, parent,  
4           parent-in-law, grandparent, grandchild, sibling,  
5           aunt, or uncle, or covered service member of the em-  
6           ployee, or any other individual related by blood or  
7           affinity whose close association with the employee is  
8           the equivalent of a family relationship”;

9           (5) in subsection (e)(3), by striking “spouse, or  
10          a son, daughter, or parent, of the employee” and in-  
11          serting “spouse or domestic partner, or a son,  
12          daughter, parent, parent-in-law, grandchild, sibling,  
13          aunt, or uncle of the employee, or any other indi-  
14          vidual related by blood or affinity whose close asso-  
15          ciation with the employee is the equivalent of a fam-  
16          ily relationship”; and

17          (6) in subsection (f)—

18                (A) in the matter preceding subparagraph  
19                (A), by inserting “or domestic partners” after  
20                “husband and wife”; and

21                (B) in subparagraph (B), by inserting “or  
22                parent-in-law” after “parent”.

23          (c) CERTIFICATION.—Section 103 of the Family and  
24          Medical Leave Act of 1993 (29 U.S.C. 2613) is amend-  
25          ed—

1           (1) in subsection (a), by striking “spouse, or  
2           parent of the employee, or of the next of kin of an  
3           individual in the case of leave taken under such  
4           paragraph (3), as appropriate” and inserting  
5           “spouse or domestic partner, parent, parent-in-law,  
6           grandparent, grandchild, sibling, aunt, or uncle of  
7           the employee, or of the next of kin of an individual  
8           in the case of leave taken under such paragraph (3),  
9           as appropriate, or any other individual related by  
10          blood or affinity whose close association with the  
11          employee is the equivalent of a family relationship”;

12          (2) in subsection (b)(4)(A), by striking “spouse,  
13          or parent and an estimate of the amount of time  
14          that such employee is needed to care for the son,  
15          daughter, spouse, or parent” and inserting “spouse  
16          or domestic partner, parent, parent-in-law, grand-  
17          parent, grandchild, sibling, aunt, or uncle of the em-  
18          ployee, or any other individual related by blood or  
19          affinity whose close association with the employee is  
20          the equivalent of a family relationship and an esti-  
21          mate of the amount of time that such employee is  
22          needed to care for such son, daughter, spouse or do-  
23          mestic partner, parent, parent-in-law, grandparent,  
24          sibling, aunt, or uncle, or such other individual”;  
25          and

1           (3) in subsection (b)(7), by striking “parent, or  
2       spouse” and inserting “spouse or domestic partner,  
3       parent, parent-in-law, grandparent, grandchild, sib-  
4       ling, aunt, or uncle of the employee, or any other in-  
5       dividual related by blood or affinity whose close as-  
6       sociation with the employee is the equivalent of a  
7       family relationship”.

8       (d) EMPLOYMENT AND BENEFITS PROTECTION.—  
9       Section 104(c)(3) of the Family and Medical Leave Act  
10      of 1993 (29 U.S.C. 2614(c)(3)) is amended—

11           (1) in subparagraph (A)(i), by striking “spouse,  
12       or parent” and inserting “spouse or domestic part-  
13       ner, parent, parent-in-law, grandparent, grandchild,  
14       sibling, aunt, or uncle, or any other individual re-  
15       lated by blood or affinity whose close association  
16       with the employee is the equivalent of a family rela-  
17       tionship”; and

18           (2) in subparagraph (C)(ii), by striking  
19       “spouse, or parent” and inserting “spouse or domes-  
20       tic partner, parent, parent-in-law, grandparent,  
21       grandchild, sibling, aunt, or uncle of the employee,  
22       or any other individual related by blood or affinity  
23       whose close association with the employee is the  
24       equivalent of a family relationship”.

1 **SEC. 4. LEAVE TO CARE FOR A DOMESTIC PARTNER, PAR-**  
 2 **ENT-IN-LAW, ADULT CHILD, SIBLING, GRAND-**  
 3 **PARENT, GRANDCHILD, AUNT, OR UNCLE OF**  
 4 **THE EMPLOYEE, OR OTHER INDIVIDUAL RE-**  
 5 **LATED BY BLOOD OR AFFINITY FOR FED-**  
 6 **ERAL EMPLOYEES.**

7 (a) DEFINITIONS.—

8 (1) INCLUSION OF DOMESTIC PARTNERS, PAR-  
 9 ENTS-IN-LAW, ADULT CHILDREN, SIBLING, AUNT, OR  
 10 UNCLE, GRANDPARENTS, GRANDCHILDREN, OR  
 11 OTHER INDIVIDUALS RELATED BY BLOOD OR AFFIN-  
 12 ITY.—Section 6381 of title 5, United States Code, is  
 13 amended—

14 (A) in paragraph (11) by striking “; and”  
 15 and inserting a semicolon;

16 (B) in paragraph (12), by striking the pe-  
 17 riod and inserting a semicolon; and

18 (C) by adding at the end the following:

19 “(13) the term ‘domestic partner’ means—

20 “(A) the person recognized as the domestic  
 21 partner of the employee under any domestic  
 22 partner registry or civil union laws of the State  
 23 or political subdivision of a State; or

24 “(B) in the case of an unmarried em-  
 25 ployee, an unmarried adult person who is in a  
 26 committed, personal relationship with the em-

1            ployee, is not a domestic partner to any other  
2            person, and who is designated to the employing  
3            agency by such employee as that employee's do-  
4            mestic partner;

5            “(14) the term ‘parent-in-law’ means a parent  
6            of the spouse or domestic partner of an employee;

7            “(15) the term ‘grandchild’ means the son or  
8            daughter of an employee's son or daughter;

9            “(16) the term ‘grandparent’ means a parent of  
10           a parent of an employee;

11           “(17) the term ‘sibling’ means any person who  
12           is a son or daughter of an employee's parent; and

13           “(18) the terms ‘son-in-law and daughter-in-  
14           law’, used with respect to an employee, means any  
15           person who is a spouse or domestic partner of a son  
16           or daughter of the employee.

17           “(19) AUNT OR UNCLE.—The term ‘aunt or  
18           uncle of the employee’, means the sister or brother  
19           of an employee's parent.

20           “(20) ANY OTHER INDIVIDUAL RELATED BY  
21           BLOOD OR AFFINITY WHOSE CLOSE ASSOCIATION IS  
22           THE EQUIVALENT OF A FAMILY RELATIONSHIP.—  
23           The term ‘any other individual related by blood or  
24           affinity whose close association is the equivalent of  
25           a family relationship’ means any person with whom

1 the employee has a significant personal bond that is  
2 or is like a family relationship, regardless of biological  
3 cal or legal relationship.”.

4 (2) INCLUSION OF ADULT CHILDREN AND CHILD-  
5 DREN OF A DOMESTIC PARTNER.—Section 6381(6)  
6 of such title is amended—

7 (A) by inserting “a child of an individual’s  
8 domestic partner,” after “a legal ward,”; and

9 (B) by striking “who is—” and all that  
10 follows and inserting “and includes an adult  
11 child”.

12 (b) LEAVE REQUIREMENT.—Section 6382 of title 5,  
13 United States Code, is amended—

14 (1) in subsection (a)(1)(C), by striking “spouse,  
15 or a son, daughter, or parent of the employee, if  
16 such spouse, son, daughter, or parent” and inserting  
17 “spouse or domestic partner, or a son, daughter,  
18 parent, parent-in-law, grandparent, grandchild, or  
19 sibling, aunt, or uncle of the employee, or any other  
20 individual related by blood or affinity whose close as-  
21 sociation with the employee is the equivalent of a  
22 family relationship, if such spouse, domestic partner,  
23 son, daughter, parent, parent-in-law, grandparent,  
24 grandchild, sibling, or such other individual”;

1           (2) in subsection (a)(1)(E), by striking “spouse,  
2           or a son, daughter, or parent” and inserting “spouse  
3           or domestic partner, or a son, daughter, parent, par-  
4           ent-in-law, grandchild, sibling, aunt, or uncle of the  
5           employee, or any other individual related by blood or  
6           affinity whose close association with the employee is  
7           the equivalent of a family relationship”;

8           (3) in subsection (a)(3), by striking “spouse,  
9           son, daughter, parent,” and inserting “spouse or do-  
10          mestic partner, son, daughter, son-in-law, daughter-  
11          in-law, parent, parent-in-law, grandparent, sibling,  
12          aunt, or uncle of the employee, or any other indi-  
13          vidual related by blood or affinity whose close asso-  
14          ciation with the employee is the equivalent of a fam-  
15          ily relationship,”;

16          (4) in subsection (e)(2)(A), by striking “spouse,  
17          parent,” and inserting “spouse or domestic partner,  
18          parent, parent-in-law, grandparent, grandchild, sib-  
19          ling, aunt, or uncle of the employee, or any other in-  
20          dividual related by blood or affinity whose close as-  
21          sociation with the employee is the equivalent of a  
22          family relationship,”; and

23          (5) in subsection (e)(3), by striking “spouse, or  
24          a son, daughter, or parent,” and inserting “spouse  
25          or domestic partner, or a son, daughter, parent, par-

1 ent-in-law, grandchild, sibling, aunt, or uncle of the  
2 employee, or any other individual related by blood or  
3 affinity whose close association with the employee is  
4 the equivalent of a family relationship,”.

5 (c) CERTIFICATION.—Section 6383 of title 5, United  
6 States Code, is amended—

7 (1) in subsection (a), by striking “spouse, or  
8 parent” and inserting “spouse or domestic partner,  
9 parent, parent-in-law, grandparent, grandchild, sib-  
10 ling, aunt, or uncle of the employee, or any other in-  
11 dividual related by blood or affinity whose close as-  
12 sociation with the employee is the equivalent of a  
13 family relationship,”; and

14 (2) in subsection (b)(4)(A), by striking “spouse,  
15 or parent, and an estimate of the amount of time  
16 that such employee is needed to care for such son,  
17 daughter, spouse, or parent” and inserting “spouse  
18 or domestic partner, parent, parent-in-law, grand-  
19 parent, grandchild, sibling, aunt, or uncle of the em-  
20 ployee, or any other individual related by blood or  
21 affinity whose close association with the employee is  
22 the equivalent of a family relationship and an esti-  
23 mate of the amount of time that such employee is  
24 needed to care for such son, daughter, spouse or do-

1       mestic partner, parent, parent-in-law, grandparent,  
2       grandchild, sibling, or such other individual”.

3   **SEC. 5. ENTITLEMENT TO ADDITIONAL LEAVE UNDER THE**  
4                   **FMLA FOR PARENTAL INVOLVEMENT AND**  
5                   **FAMILY WELLNESS.**

6       (a) LEAVE REQUIREMENT.—Section 102(a) of the  
7   Family and Medical Leave Act of 1993 (29 U.S.C.  
8   2612(a)) is further amended by adding at the end the fol-  
9   lowing new paragraph:

10               “(5) ENTITLEMENT TO ADDITIONAL LEAVE FOR  
11       PARENTAL       INVOLVEMENT       AND       FAMILY  
12       WELLNESS.—

13               “(A)       IN       GENERAL.—Subject       to  
14       subparagraph (B) and section 103(g), an eligi-  
15       ble employee shall be entitled to leave under  
16       this paragraph to—

17               “(i) participate in or attend an activ-  
18       ity that is sponsored by a school or com-  
19       munity organization and relates to a pro-  
20       gram of the school or organization that is  
21       attended by a son or daughter or a grand-  
22       child of the employee; or

23               “(ii) meet routine family medical care  
24       needs, including for medical and dental ap-  
25       pointments of the employee or a son,

1 daughter, spouse, or grandchild of the em-  
2 ployee, or to attend to the care needs of el-  
3 derly individuals who are related to the eli-  
4 gible employee, including visits to nursing  
5 homes and group homes.

6 “(B) LIMITATIONS.—

7 “(i) IN GENERAL.—An eligible em-  
8 ployee is entitled to—

9 “(I) not to exceed 4 hours of  
10 leave under this paragraph during any  
11 30-day period; and

12 “(II) not to exceed 24 hours of  
13 leave under this paragraph during any  
14 12-month period.

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

19 “(C) DEFINITIONS.—As used in this para-  
20 graph:

21 “(i) SCHOOL.—The term ‘school’  
22 means an elementary school or secondary  
23 school (as such terms are defined in sec-  
24 tion 8101 of the Elementary and Sec-  
25 ondary Education Act of 1965 (20 U.S.C.

7801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), or a child care facility.

“(ii) COMMUNITY ORGANIZATION.—

The term ‘community organization’ means a private nonprofit organization that is representative of a community or a significant segment of a community and provides activities for individuals described in subparagraph (A) or (B) of section 101(12), such as a scouting or sports organization.”.

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

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

“(C) PARENTAL INVOLVEMENT LEAVE AND

FAMILY WELLNESS LEAVE.—An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or family

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

20 (d) NOTICE.—Section 102(e) of such Act (29 U.S.C.  
21 2612(e)) is further amended by adding at the end the fol-  
22 lowing new paragraph:

23 “(4) NOTICE RELATING TO PARENTAL IN-  
24 VOLVEMENT AND FAMILY WELLNESS LEAVE.—In  
25 any case in which an employee requests leave under

1 paragraph (5) of subsection (a), the employee  
2 shall—

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

8 “(B) in the case of leave to be taken under  
9 subparagraph (A)(ii), make a reasonable effort  
10 to schedule the leave so as not to disrupt un-  
11 duly the operations of the employer, subject to  
12 the approval of the health care provider in-  
13 volved (if any).”.

14 (e) CERTIFICATION.—Section 103 of such Act (29  
15 U.S.C. 2613) is further amended by adding at the end  
16 the following new subsection:

17 “(g) CERTIFICATION RELATED TO PARENTAL IN-  
18 VOLVEMENT AND FAMILY WELLNESS LEAVE.—An em-  
19 ployer may require that a request for leave under section  
20 102(a)(5) be supported by a certification issued at such  
21 time and in such manner as the Secretary may by regula-  
22 tion prescribe.”.

1 **SEC. 6. ENTITLEMENT OF FEDERAL EMPLOYEES TO LEAVE**  
2 **FOR PARENTAL INVOLVEMENT AND FAMILY**  
3 **WELLNESS.**

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

7 “(5)(A) Subject to subparagraph (B)(i) and section  
8 6383(f), an employee shall be entitled to leave under this  
9 paragraph to—

10 “(i) participate in or attend an activity that is  
11 sponsored by a school or community organization  
12 and relates to a program of the school or organiza-  
13 tion that is attended by a son or daughter or a  
14 grandchild of the employee; or

15 “(ii) meet routine family medical care needs, in-  
16 cluding for medical and dental appointments of a  
17 son, daughter, spouse, or grandchild of the em-  
18 ployee, or to attend to the care needs of elderly indi-  
19 viduals who are related to the eligible employee, in-  
20 cluding visits to nursing homes and group homes.

21 “(B)(i) An employee is entitled to—

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

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

1       “(ii) Leave under this paragraph shall be in addition  
 2 to any leave provided under any other paragraph of this  
 3 subsection.

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

5           “(i) the term ‘school’ means an elementary  
 6 school or secondary school (as such terms are de-  
 7 fined in section 8101 of the Elementary and Sec-  
 8 ondary Education Act of 1965), a Head Start pro-  
 9 gram assisted under the Head Start Act, and a child  
 10 care facility licensed under State law; and

11           “(ii) the term ‘community organization’ means  
 12 a private nonprofit organization that is representa-  
 13 tive of a community or a significant segment of a  
 14 community and provides activities for individuals de-  
 15 scribed in subparagraph (A) or (B) of section  
 16 6381(6), such as a scouting or sports organization.”.

17       (b) SCHEDULE.—Section 6382(b)(1) of such title is  
 18 amended—

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

23           (2) in the last sentence, by striking “involved,”  
 24 and inserting “involved (or, in the case of leave

1 under subsection (a)(5), for purposes of any 30-day  
2 or 12-month period),”.

3 (c) SUBSTITUTION OF PAID LEAVE.—Section  
4 6382(d) of such title is further amended—

5 (1) by inserting “(1)” after the subsection des-  
6 ignation; and

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

8 “(2) An employee may elect to substitute for leave  
9 under subsection (a)(5), any of the employee’s accrued or  
10 accumulated annual or sick leave under subchapter I. If  
11 the employee elects to substitute accumulated annual or  
12 sick leave for leave provided under subsection (a)(5), the  
13 employing agency shall not restrict or limit this substi-  
14 tution or impose any additional terms and conditions on  
15 such leave that are more stringent on the employee than  
16 the terms and conditions set forth in this subchapter.”.

17 (d) NOTICE.—Section 6382(e) of such title is further  
18 amended by adding at the end the following new para-  
19 graph:

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

23 “(A) provide the employing agency with not less  
24 than 7 days’ notice, before the date the leave is to

1       be taken, of the employee’s intention to take leave  
2       under such paragraph; and

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

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

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