

115TH CONGRESS
1ST SESSION

S. 636

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 15, 2017

Mrs. MURRAY (for herself, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. COONS, Mr. DURBIN, Mr. FRANKEN, Mrs. GILLIBRAND, Ms. HASSAN, Mr. HEINRICH, Ms. HIRONO, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Mr. MURPHY, Mr. REED, Mr. SANDERS, Mr. SCHUMER, Mr. UDALL, Mr. VAN HOLLEN, Ms. WARREN, Mr. WHITEHOUSE, Mr. WYDEN, and Mr. PETERS) 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:

1 (1) Working people need time to meet their own
2 health care needs and to care for family members.
3 The absence of paid sick time has forced working
4 people to make untenable choices between needed in-
5 come and jobs on the one hand and caring for their
6 own and their family's health on the other. It is in
7 the national interest to ensure that all working peo-
8 ple can care for their own health and the health of
9 their families while prospering at work.

10 (2) Thirty-six percent of the private sector
11 workforce and 10 percent of the public sector work-
12 force, lacks paid sick time. Millions more theoreti-
13 cally have access to sick time, but have not been on
14 the job long enough to use it. Millions more lack sick
15 time they can use to care for a sick child or ill fam-
16 ily member.

17 (3) Working people without paid sick days are
18 more likely to go to work sick and delay or forgo
19 needed health care. A 2016 study in the journal
20 Health Affairs found that working adults without
21 paid sick days are 3 times more likely to forgo med-
22 ical care for themselves, and 1.6 times more likely
23 to forgo medical care for their family, compared to
24 working adults with paid sick days. Lack of paid
25 sick days is also a barrier to receiving cancer

1 screenings and preventive care, according to a 2012
2 study published by BioMed Central Public Health.

3 (4) Nearly one in four parents without paid sick
4 time reports sending a sick child to school or child
5 care because the parent has to go to work. When
6 children go to school and child care sick, they risk
7 their own health and that of other children, teachers
8 and administrators. Research suggests that schools
9 play a key role in transmitting contagious illnesses
10 like influenza.

11 (5) A 2012 study published in the American
12 Journal of Public Health found that a lack of work-
13 place policies like paid sick days contributed to an
14 additional 5,000,000 cases of influenza-like illness
15 during the H1N1 pandemic of 2009.

16 (6) An analysis examining influenza rates fol-
17 lowing the implementation of comprehensive paid
18 sick time laws in seven major cities in the United
19 States found that when workers gained access to
20 paid sick time in those cities, the general influenza
21 rate in the population decreased by 5.5 to 6.5 per-
22 cent. This analysis by the National Bureau of Eco-
23 nomic Research estimates that those laws helped
24 prevent about 100 influenza-like infections per week
25 for every 100,000 people.

1 (7) Paid sick days contribute to more cost-effec-
2 tive use of health care resources. A 2011 study by
3 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 programs like Medicare and Medicaid.

9 (8) The American Productivity Audit completed
10 in 2003 found that lost productivity due to illness
11 costs \$226,000,000,000 annually, and that 71 per-
12 cent of that cost stems from presenteeism—the
13 practice of employees coming to work while ill. Stud-
14 ies in the Journal of Occupational and Environ-
15 mental Medicine and the Journal of the American
16 Medical Association show that presenteeism is a
17 larger productivity drain than either absenteeism or
18 short-term disability.

19 (9) Working while sick also increases a worker’s
20 probability of suffering an injury on the job. A 2012
21 study published by the American Journal of Public
22 Health found that workers with access to paid sick
23 leave were 28 percent less likely than workers with-
24 out paid sick leave to suffer nonfatal occupational
25 injuries.

(10) Workers' access to paid sick time varies dramatically by wage level, as demonstrated by the following:

(A) For private sector workers—

(i) for workers in the lowest quartile of earners, 61 percent lack paid sick time;

(ii) for workers in the next 2 quartiles, 35 and 25 percent, respectively, lack paid sick time; and

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

(B) For public sector workers—

(i) for workers in the lowest quartile of earners, 23 percent lack paid sick time;

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

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

(11) Workers' access to paid sick days also varies depending on their occupation and race. For example, more than 80 percent of workers in food preparation and serving occupations lack access to paid sick days, compared to only 23 percent of workers in management occupations. More than half of

1 Latino workers and nearly half of Native American
2 or Alaskan Native workers do not have access to
3 paid sick days, compared to nearly 40 percent of
4 white and black workers.

5 (12) According to the Centers for Disease Con-
6 trol and Prevention, more than 1 in 3 women and
7 more than 1 in 4 men in America report having ex-
8 perienceed rape, physical abuse, or stalking by an in-
9 timate partner at some point in their lives. Women
10 and men of color are even more likely to report
11 being impacted by intimate partner violence. Too
12 many people, and especially women, are forced to
13 risk losing their jobs or critical income when they
14 need to take time away from work to address domes-
15 tic violence related issues, such as obtaining a re-
16 straining order or finding housing, in order to avoid
17 or prevent physical or sexual abuse.

18 (13) Without paid sick time that can be used
19 to address the effects of domestic violence, these vic-
20 tims are in grave danger of losing their jobs. One
21 survey found that 96 percent of employed domestic
22 violence victims experienced problems at work re-
23 lated to the violence. The Government Accountability
24 Office similarly found that 24 to 52 percent of vic-
25 tims report losing a job due, at least in part, to do-

1 mestic violence. The loss of employment can be par-
2 ticularly devastating for victims of domestic violence,
3 who often need economic security to ensure safety.

4 (14) The Centers for Disease Control and Pre-
5 vention has estimated that intimate partner violence
6 costs over \$700,000,000 annually due to the victims'
7 lost productivity in employment.

8 (15) Efforts to assist abused employees result
9 in positive outcomes for employers as well as em-
10 ployees because employers can retain workers who
11 might otherwise be compelled to leave.

12 (16) Dozens of States, cities, and localities have
13 or will soon have paid sick time laws in place and
14 evidence shows that those laws are working well for
15 workers, businesses, and the economy.

16 (17) A 2009 study by the Center for Economic
17 and Policy Research found that, of 22 countries with
18 comparable economies, the United States was 1 of
19 only 3 countries that did not provide any paid time
20 off for workers with short-term illnesses.

21 **SEC. 3. PURPOSES.**

22 The purposes of this Act are—

23 (1) to ensure that working people can address
24 their own health needs and the health needs of their
25 families by requiring employers to permit employees

1 to earn up to 56 hours of paid sick time including
2 paid time for family care;

3 (2) to diminish public and private health care
4 costs by enabling workers to seek early and routine
5 health care for themselves and their family members;

6 (3) to assist employees who are, or whose fam-
7 ily members are, victims of domestic violence, sexual
8 assault, or stalking, by providing the employees with
9 paid time away from work to allow the victims to re-
10 ceive treatment and to take the necessary steps to
11 ensure their protection;

12 (4) to address the historical and persistent
13 widespread pattern of employment discrimination on
14 the basis of gender by both private and public sector
15 employers;

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

19 (6) consistent with the provision of the 14th
20 Amendment to the Constitution relating to equal
21 protection of the laws, and pursuant to Congress'
22 power to enforce that provision under section 5 of
23 that Amendment—

24 (A) to accomplish the purposes described
25 in paragraphs (1) through (4) in a manner that

minimizes the potential for employment discrimination on the basis of sex by ensuring generally that paid sick time is available for eligible medical reasons on a gender-neutral basis; and

(B) to promote the goal of equal employment opportunity for women and men.

SEC. 4. DEFINITIONS.

In this Act:

(1) CHILD.—The term “child” means a biological, foster, or adopted child, a stepchild, a child of a domestic partner, a legal ward, or a child of a person standing in loco parentis, who is—

(A) under 18 years of age; or

(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

(2) DOMESTIC PARTNER.—

(A) IN GENERAL.—The term “domestic partner”, with respect to an individual, means another individual with whom the individual is in a committed relationship.

(B) COMMITTED RELATIONSHIP DEFINED.—The term “committed relationship” means a relationship between two individuals, each at least 18 years of age, in which each in-

1 dividual is the other individual’s sole domestic
 2 partner and both individuals share responsi-
 3 bility for a significant measure of each other’s
 4 common welfare. The term includes any such
 5 relationship between two individuals, including
 6 individuals of the same sex, that is granted
 7 legal recognition by a State or political subdivi-
 8 sion of a State as a marriage or analogous rela-
 9 tionship, including a civil union or domestic
 10 partnership.

11 (3) DOMESTIC VIOLENCE.—The term “domestic
 12 violence” 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)), except that the ref-
 15 erence in such section to the term “jurisdiction re-
 16 ceiving grant monies” shall be deemed to mean the
 17 jurisdiction in which the victim lives or the jurisdic-
 18 tion in which the employer involved is located. Such
 19 term also includes dating violence, as that term is
 20 defined in such section.

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

23 (A)(i) an employee, as defined in section
 24 3(e) of the Fair Labor Standards Act of 1938
 25 (29 U.S.C. 203(e)), who is not covered under

1 subparagraph (E), including such an employee
 2 of the Library of Congress, except that a ref-
 3 erence in such section to an employer shall be
 4 considered to be a reference to an employer de-
 5 scribed in clauses (i)(I) and (ii) of paragraph
 6 (5)(A); or

7 (ii) an employee of the Government Ac-
 8 countability Office;

9 (B) a State employee described in section
 10 304(a) of the Government Employee Rights Act
 11 of 1991 (42 U.S.C. 2000e–16c(a));

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

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

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

21 (5) EMPLOYER.—

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

1 (i)(I) a covered employer, as defined
 2 in subparagraph (B), who is not covered
 3 under subclause (V);

4 (II) an entity employing a State em-
 5 ployee described in section 304(a) of the
 6 Government Employee Rights Act of 1991;

7 (III) an employing office, as defined
 8 in section 101 of the Congressional Ac-
 9 countability Act of 1995;

10 (IV) an employing office, as defined in
 11 section 411(c) of title 3, United States
 12 Code; or

13 (V) an employing agency covered
 14 under subchapter V of chapter 63 of title
 15 5, United States Code; and

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

20 (B) COVERED EMPLOYER.—

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

23 (I) means any person engaged in
 24 commerce or in any industry or activ-
 25 ity affecting commerce who employs

1 15 or more employees for each work-
 2 ing day during each of 20 or more
 3 calendar workweeks in the current or
 4 preceding year;

5 (II) means a smaller employer, as
 6 defined in subparagraph (C), to which
 7 the special rule in paragraph (3) of
 8 section 5(a) applies;

9 (III) includes—

10 (aa) any person who acts,
 11 directly or indirectly, in the inter-
 12 est of an employer to any of the
 13 employees of such employer; and

14 (bb) any successor in inter-
 15 est of an employer;

16 (IV) includes any “public agen-
 17 cy”, as defined in section 3(x) of the
 18 Fair Labor Standards Act of 1938
 19 (29 U.S.C. 203(x)); and

20 (V) includes the Government Ac-
 21 countability Office and the Library of
 22 Congress.

23 (ii) PUBLIC AGENCY.—For purposes
 24 of clause (i)(IV), a public agency shall be
 25 considered to be a person engaged in com-

merce or in an industry or activity affecting commerce.

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

(I) COMMERCE.—The terms “commerce” and “industry or activity affecting commerce” mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include “commerce” and any “industry affecting commerce”, as defined in paragraphs (1) and (3) of section 501 of the Labor Management Relations Act, 1947 (29 U.S.C. 142 (1) and (3)).

(II) EMPLOYEE.—The term “employee” has the same meaning given such term in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).

(III) PERSON.—The term “person” has the same meaning given such term in section 3(a) of the Fair

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

3 (C) SMALLER EMPLOYER.—The term
4 “smaller employer” means any person engaged
5 in commerce or in any industry or activity af-
6 fecting commerce who employs fewer than 15
7 employees for each working day during each of
8 20 or more calendar workweeks in the pre-
9 ceding year.

10 (D) PREDECESSORS.—Any reference in
11 this paragraph to an employer shall include a
12 reference to any predecessor of such employer.

13 (6) EMPLOYMENT BENEFITS.—The term “em-
14 ployment benefits” means all benefits provided or
15 made available to employees by an employer, includ-
16 ing group life insurance, health insurance, disability
17 insurance, sick leave, annual leave, educational bene-
18 fits, and pensions, regardless of whether such bene-
19 fits are provided by a practice or written policy of
20 an employer or through an “employee benefit plan”,
21 as defined in section 3(3) of the Employee Retirement
22 Income Security Act of 1974 (29 U.S.C.
23 1002(3)).

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

1 (A)(i) is a doctor of medicine or osteopathy
2 who is authorized to practice medicine or sur-
3 gery (as appropriate) by the State in which the
4 doctor practices; or

5 (ii) is any other person determined by the
6 Secretary to be capable of providing health care
7 services; and

8 (B) is not employed by an employer for
9 whom the provider issues certification under
10 this Act.

11 (8) PAID SICK TIME.—The term “paid sick
12 time” means an increment of compensated leave that
13 can be earned by an employee for use during an ab-
14 sence from employment for any of the reasons de-
15 scribed in paragraphs (1) through (4) of section
16 5(b).

17 (9) PARENT.—The term “parent” means a bio-
18 logical, foster, or adoptive parent of an employee, a
19 stepparent of an employee, parent-in-law, parent of
20 a domestic partner, or a legal guardian or other per-
21 son who stood in loco parentis to an employee when
22 the employee was a child.

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

1 (11) SEXUAL ASSAULT.—The term “sexual as-
2 sault” has the meaning given the term in section
3 40002(a) of the Violence Against Women Act of
4 1994 (42 U.S.C. 13925(a)).

5 (12) SPOUSE.—The term “spouse”, with re-
6 spect to an employee, has the meaning given such
7 term by the marriage laws of the State in which the
8 marriage was celebrated.

9 (13) STALKING.—The term “stalking” has the
10 meaning given the term in section 40002(a) of the
11 Violence Against Women Act of 1994 (42 U.S.C.
12 13925(a)).

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

16 (15) UNPAID SICK TIME.—The term “unpaid
17 sick time” means the leave earned and used in the
18 same manner and under the same conditions as paid
19 sick time for the purposes of this Act, except that
20 no compensation shall be paid.

21 (16) VICTIM SERVICES ORGANIZATION.—The
22 term “victim services organization” means a non-
23 profit, nongovernmental organization that provides
24 assistance to victims of domestic violence, sexual as-
25 sault, or stalking or advocates for such victims, in-

1 cluding a rape crisis center, an organization carrying
 2 out a domestic violence, sexual assault, or stalking
 3 prevention or treatment program, an organization
 4 operating a shelter or providing counseling services,
 5 or a legal services organization or other organization
 6 providing assistance through the legal process.

7 **SEC. 5. EARNED PAID SICK TIME.**

8 (a) EARNING OF PAID SICK TIME.—

9 (1) IN GENERAL.—An employer shall provide
 10 each employee employed by the employer not less
 11 than 1 hour of earned paid sick time for every 30
 12 hours worked, to be used as described in subsection
 13 (b). An employer shall not be required to permit an
 14 employee to earn, under this section, more than 56
 15 hours of paid sick time in a year, unless the em-
 16 ployer chooses to set a higher limit.

17 (2) EXEMPT EMPLOYEES.—

18 (A) IN GENERAL.—Except as provided in
 19 paragraph (4), for purposes of this section, an
 20 employee who is exempt from overtime require-
 21 ments under section 13(a)(1) of the Fair Labor
 22 Standards Act of 1938 (29 U.S.C. 213(a)(1))
 23 shall be assumed to work 40 hours in each
 24 workweek.

1 (B) SHORTER NORMAL WORKWEEK.—If
2 the normal workweek of such an employee is
3 less than 40 hours, the employee shall earn
4 paid sick time based upon that normal work-
5 week.

6 (3) SPECIAL RULE FOR SMALLER EMPLOY-
7 ERS.—A smaller employer may provide paid sick
8 time as provided under paragraph (1) but if such
9 smaller employer opts not to do so, the smaller em-
10 ployer shall provide not fewer than 56 hours of un-
11 paid sick time to each employee per year to be used
12 for the same purposes and under the same condi-
13 tions as set out in this Act. The provision and earn-
14 ing of unpaid sick time shall be treated in all re-
15 spects the same as the provision and earning of paid
16 sick time under this Act. References in this Act to
17 paid sick time shall, with respect to smaller employ-
18 ers, be deemed to be references to unpaid sick time.

19 (4) DATES FOR BEGINNING TO EARN PAID SICK
20 TIME AND USE.—Employees shall begin to earn paid
21 sick time under this section at the commencement of
22 their employment. An employee shall be entitled to
23 use the earned paid sick time beginning on the 60th
24 calendar day following commencement of the em-
25 ployee's employment. After that 60th calendar day,

1 the employee may use the paid sick time as the time
2 is earned. An employer may, at the discretion of the
3 employer, loan paid sick time to an employee for use
4 by such employee in advance of the employee earning such sick time as provided in this subsection and
5 may permit use before the 60th day of employment.
6

7 (5) CARRYOVER.—

8 (A) IN GENERAL.—Except as provided in
9 subparagraph (B), paid sick time earned under
10 this section shall carry over from one year to
11 the next.

12 (B) CONSTRUCTION.—This Act shall not
13 be construed to require an employer to permit
14 an employee to earn more than 56 hours of
15 earned paid sick time at a given time.

16 (6) EMPLOYERS WITH EXISTING POLICIES.—

17 Any employer with a paid leave policy who makes
18 available an amount of paid leave that is sufficient
19 to meet the requirements of this section and that
20 may be used for the same purposes and under the
21 same conditions as the purposes and conditions outlined in subsection (b) shall not be required to permit an employee to earn additional paid sick time
22 under this section.
23
24

1 (7) CONSTRUCTION.—Nothing in this section
2 shall be construed as requiring financial or other re-
3 imbursement to an employee from an employer upon
4 the employee's termination, resignation, retirement,
5 or other separation from employment for earned
6 paid sick time that has not been used.

7 (8) REINSTATEMENT.—If an employee is sepa-
8 rated from employment with an employer and is re-
9 hired, within 12 months after that separation, by the
10 same employer, the employer shall reinstate the em-
11 ployee's previously earned paid sick time. The em-
12 ployee shall be entitled to use the earned paid sick
13 time and earn additional paid sick time at the re-
14 commencement of employment with the employer.

15 (9) PROHIBITION.—An employer may not re-
16 quire, as a condition of providing paid sick time
17 under this Act, that the employee involved search for
18 or find a replacement employee to cover the hours
19 during which the employee is using paid sick time.

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

22 (1) An absence resulting from a physical or
23 mental illness, injury, or medical condition of the
24 employee.

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

4 (3) An absence for the purpose of caring for a
 5 child, a parent, a spouse, a domestic partner, or any
 6 other individual related by blood or affinity whose
 7 close association with the employee is the equivalent
 8 of a family relationship, who—

9 (A) has any of the conditions or needs for
 10 diagnosis or care described in paragraph (1) or
 11 (2);

12 (B) in the case of someone who is a child,
 13 is required to attend a school meeting or a
 14 meeting at a place where the child is receiving
 15 care necessitated by the child's health condition
 16 or disability; or

17 (C) is otherwise in need of care.

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

20 (A) seek medical attention for the em-
 21 ployee or the employee's child, parent, spouse,
 22 domestic partner, or an individual related to the
 23 employee as described in paragraph (3), to re-
 24 cover from physical or psychological injury or

1 disability caused by domestic violence, sexual
2 assault, or stalking;

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

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

9 (D) seek relocation; or

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

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

18 (d) PROCEDURES.—

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

22 (A) include the expected duration of the
23 period of such time;

24 (B) in a case in which the need for such
25 period of time is foreseeable at least 7 days in

1 advance of such period, be provided at least 7
2 days in advance of such period; and

3 (C) otherwise, be provided as soon as prac-
4 ticable after the employee is aware of the need
5 for such period.

6 (2) CERTIFICATION IN GENERAL.—

7 (A) PROVISION.—

8 (i) IN GENERAL.—Subject to subpara-
9 graph (C), an employer may require that a
10 request for paid sick time under this sec-
11 tion for a purpose described in paragraph
12 (1), (2), or (3) of subsection (b) be sup-
13 ported by a certification issued by the
14 health care provider of the eligible em-
15 ployee or of an individual described in sub-
16 section (b)(3), as appropriate, if the period
17 of such time covers more than 3 consecu-
18 tive workdays.

19 (ii) TIMELINESS.—The employee shall
20 provide a copy of such certification to the
21 employer in a timely manner, not later
22 than 30 days after the first day of the pe-
23 riod of time. The employer shall not delay
24 the commencement of the period of time on

1 the basis that the employer has not yet re-
2 ceived the certification.

3 (B) SUFFICIENT CERTIFICATION.—

4 (i) IN GENERAL.—A certification pro-
5 vided under subparagraph (A) shall be suf-
6 ficient if it states—

7 (I) the date on which the period
8 of time will be needed;

9 (II) the probable duration of the
10 period of time;

11 (III) the appropriate medical
12 facts within the knowledge of the
13 health care provider regarding the
14 condition involved, subject to clause
15 (ii); and

16 (IV)(aa) for purposes of paid sick
17 time under subsection (b)(1), a state-
18 ment that absence from work is medi-
19 cally necessary;

20 (bb) for purposes of such time
21 under subsection (b)(2), the dates on
22 which testing for a medical diagnosis
23 or care is expected to be given and the
24 duration of such testing or care; and

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

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

17 (C) REGULATIONS.—Regulations pre-
 18 scribed under section 14 shall specify the man-
 19 ner in which an employee who does not have
 20 health insurance shall provide a certification for
 21 purposes of this paragraph.

22 (D) CONFIDENTIALITY AND NONDISCLO-
 23 SURE.—

24 (i) PROTECTED HEALTH INFORMA-
 25 TION.—Nothing in this Act shall be con-

1 strued to require a health care provider to
 2 disclose information in violation of section
 3 1177 of the Social Security Act (42 U.S.C.
 4 1320d–6) or the regulations promulgated
 5 pursuant to section 264(c) of the Health
 6 Insurance Portability and Accountability
 7 Act of 1996 (42 U.S.C. 1320d–2 note).

8 (ii) HEALTH INFORMATION
 9 RECORDS.—If an employer possesses
 10 health information about an employee or
 11 an employee’s child, parent, spouse, domes-
 12 tic partner, or an individual related to the
 13 employee as described in subsection (b)(3),
 14 such information shall—

15 (I) be maintained on a separate
 16 form and in a separate file from other
 17 personnel information;

18 (II) be treated as a confidential
 19 medical record; and

20 (III) not be disclosed except to
 21 the affected employee or with the per-
 22 mission of the affected employee.

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

1 (A) IN GENERAL.—An employer may re-
2 quire that a request for paid sick time under
3 this section for a purpose described in sub-
4 section (b)(4) be supported by any one of the
5 following forms of documentation, but the em-
6 ployer may not specify the particular form of
7 documentation to be provided:

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

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

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

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

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

17 (ii) the certification shall state the
18 reason that the leave is required with the
19 facts to be disclosed limited to the min-
20 imum necessary to establish a need for the
21 employee to be absent from work, and the
22 employee shall not be required to explain
23 the details of the domestic violence, sexual
24 assault, or stalking involved; and

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

7 (I) requested or consented to in
 8 writing by the employee; or

9 (II) otherwise required by appli-
 10 cable Federal or State law.

11 **SEC. 6. NOTICE REQUIREMENT.**

12 (a) IN GENERAL.—Each employer shall notify each
 13 employee and include in any employee handbook the infor-
 14 mation described in paragraphs (1) through (4). Each em-
 15 ployer shall post and keep posted a notice, to be prepared
 16 or approved in accordance with procedures specified in
 17 regulations prescribed under section 14, setting forth ex-
 18 cerpts from, or summaries of, the pertinent provisions of
 19 this Act including—

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 or
9 unpaid sick time under this Act as a negative
10 factor in an employment action, such as hiring,
11 promotion, reducing hours or number of shifts,
12 or a disciplinary action; or

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

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

21 (b) INTERFERENCE WITH PROCEEDINGS OR INQUIR-
22 IES.—It shall be unlawful for any person to discharge or
23 in any other manner discriminate against (including retali-
24 ating against) any individual, including a job applicant,
25 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. AUTHORIZATION OF APPROPRIATIONS FOR EDU-**
 8 **CATION AND OUTREACH.**

9 There is authorized to be appropriated to the Sec-
 10 retary of Labor such sums as may be necessary in order
 11 that the Secretary may conduct a public awareness cam-
 12 paign to educate and inform the public of the require-
 13 ments for paid sick time required by this Act.

14 **SEC. 10. COLLECTION OF DATA ON PAID SICK TIME AND**
 15 **FURTHER STUDY.**

16 (a) COMPILATION OF INFORMATION.—The Commis-
 17 sioner of Labor Statistics shall annually compile informa-
 18 tion on the following:

19 (1) The amount of paid and unpaid sick time
 20 available to employees by occupation and type of em-
 21 ployment establishment.

22 (2) An estimate of the average sick time used
 23 by employees according to occupation and the type
 24 of employment establishment.

1 (b) GAO STUDY.—Not later than 5 years after the
2 date of enactment of this Act, the Comptroller General
3 of the United States shall conduct a study to evaluate the
4 implementation of this Act. Such study shall include an
5 estimation of employees’ access to paid sick time, employ-
6 ees’ awareness of their rights under this Act, and employ-
7 ers’ experiences complying with this Act. Such study shall
8 take into account access, awareness and experiences of
9 employees by race, ethnicity, gender, and occupation.

10 (c) REPORT.—Upon completion of the study required
11 by subsection (b), the Comptroller General of the United
12 States shall prepare and submit a report to the appro-
13 priate committees of Congress concerning the results of
14 the study and the information compiled pursuant to sub-
15 section (a).

16 **SEC. 11. EFFECT ON OTHER LAWS.**

17 (a) FEDERAL AND STATE ANTIDISCRIMINATION
18 LAWS.—Nothing in this Act shall be construed to modify
19 or affect any Federal or State law prohibiting discrimina-
20 tion on the basis of race, religion, color, national origin,
21 sex, age, disability, sexual orientation, gender identity,
22 marital status, familial status, or any other protected sta-
23 tus.

24 (b) STATE AND LOCAL LAWS.—Nothing in this Act
25 shall be construed to supersede (including preempting)

1 any provision of any State or local law that provides great-
 2 er paid sick time or leave rights (including greater
 3 amounts of paid sick time or leave, or greater coverage
 4 of those eligible for paid sick time or leave) than the rights
 5 established under this Act.

6 **SEC. 12. EFFECT ON EXISTING EMPLOYMENT BENEFITS.**

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

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

17 **SEC. 13. ENCOURAGEMENT OF MORE GENEROUS LEAVE**
 18 **POLICIES.**

19 Nothing in this Act shall be construed to discourage
 20 employers from adopting or retaining leave policies more
 21 generous than policies that comply with the requirements
 22 of this Act.

23 **SEC. 14. REGULATIONS.**

24 (a) IN GENERAL.—

1 (1) AUTHORITY.—Except as provided in para-
 2 graph (2), not later than 180 days after the date of
 3 enactment of this Act, the Secretary shall prescribe
 4 such regulations as are necessary to carry out this
 5 Act with respect to employees described in subpara-
 6 graph (A) or (B) of section 4(4) and other individ-
 7 uals affected by employers described in subclause (I)
 8 or (II) of section 4(5)(A)(i).

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

18 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
 19 COUNTABILITY ACT OF 1995.—

20 (1) AUTHORITY.—Not later than 90 days after
 21 the Secretary prescribes regulations under sub-
 22 section (a), the Board of Directors of the Office of
 23 Compliance shall prescribe (in accordance with sec-
 24 tion 304 of the Congressional Accountability Act of
 25 1995 (2 U.S.C. 1384)) such regulations as are nec-

1 essary to carry out this Act with respect to employ-
 2 ees described in section 4(4)(C) and other individ-
 3 uals affected by employers described in section
 4 4(5)(A)(i)(III).

5 (2) AGENCY REGULATIONS.—The regulations
 6 prescribed under paragraph (1) shall be the same as
 7 substantive regulations promulgated by the Sec-
 8 retary to carry out this Act except insofar as the
 9 Board may determine, for good cause shown and
 10 stated together with the regulations prescribed
 11 under paragraph (1), that a modification of such
 12 regulations would be more effective for the imple-
 13 mentation of the rights and protections involved
 14 under this section.

15 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
 16 3, UNITED STATES CODE.—

17 (1) AUTHORITY.—Not later than 90 days after
 18 the Secretary prescribes regulations under sub-
 19 section (a), the President (or the designee of the
 20 President) shall prescribe such regulations as are
 21 necessary to carry out this Act with respect to em-
 22 ployees described in section 4(4)(D) and other indi-
 23 viduals affected by employers described in section
 24 4(5)(A)(i)(IV).

1 (2) AGENCY REGULATIONS.—The regulations
2 prescribed under paragraph (1) shall be the same as
3 substantive regulations promulgated by the Sec-
4 retary to carry out this Act except insofar as the
5 President (or designee) may determine, for good
6 cause shown and stated together with the regula-
7 tions prescribed under paragraph (1), that a modi-
8 fication of such regulations would be more effective
9 for the implementation of the rights and protections
10 involved under this section.

11 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE
12 5, UNITED STATES CODE.—

13 (1) AUTHORITY.—Not later than 90 days after
14 the Secretary prescribes regulations under sub-
15 section (a), the Director of the Office of Personnel
16 Management shall prescribe such regulations as are
17 necessary to carry out this Act with respect to em-
18 ployees described in section 4(4)(E) and other indi-
19 viduals affected by employers described in section
20 4(5)(A)(i)(V).

21 (2) AGENCY REGULATIONS.—The regulations
22 prescribed under paragraph (1) shall be the same as
23 substantive regulations promulgated by the Sec-
24 retary to carry out this Act except insofar as the Di-
25 rector may determine, for good cause shown and

1 stated together with the regulations prescribed
 2 under paragraph (1), that a modification of such
 3 regulations would be more effective for the imple-
 4 mentation of the rights and protections involved
 5 under this section.

6 **SEC. 15. EFFECTIVE DATES.**

7 (a) **EFFECTIVE DATE.**—This Act shall take effect 6
 8 months after the date of issuance of regulations under sec-
 9 tion 14(a)(1).

10 (b) **COLLECTIVE BARGAINING AGREEMENTS.**—In the
 11 case of a collective bargaining agreement in effect on the
 12 effective date prescribed by subsection (a), this Act shall
 13 take effect on the earlier of—

14 (1) the date of the termination of such agree-
 15 ment; or

16 (2) the date that occurs 18 months after the
 17 date of issuance of regulations under section
 18 14(a)(1).

○