

116TH CONGRESS  
1ST SESSION

# H. R. 983

To amend the Family and Medical Leave Act of 1993 to provide leave because of the death of a son or daughter.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2019

Mr. SCHNEIDER (for himself, Mr. GOSAR, Mr. SUOZZI, Mr. WEBSTER of Florida, Mr. BEYER, and Mr. COOK) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on Oversight and 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 to provide leave because of the death of a son or daughter.

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 “Parental Bereavement  
5 Act of 2019” or the “Sarah Grace-Farley-Kluger Act”.

6 **SEC. 2. FAMILY LEAVE BECAUSE OF THE DEATH OF A SON**  
7 **OR DAUGHTER.**

8 (a) FAMILY LEAVE.—

1           (1) ENTITLEMENT TO LEAVE.—Section  
2       102(a)(1) of the Family and Medical Leave Act of  
3       1993 (29 U.S.C. 2612(a)(1)) is amended by adding  
4       at the end the following new subparagraph:

5           “(F) Because of the death of a son or  
6       daughter.”.

7           (2) REQUIREMENTS RELATING TO LEAVE.—

8           (A) SCHEDULE.—Section 102(b)(1) of  
9       such Act (29 U.S.C. 2612(b)(1)) is amended by  
10      inserting after the third sentence the following  
11      new sentence: “Leave under subsection  
12      (a)(1)(F) shall not be taken by an employee  
13      intermittently or on a reduced leave schedule  
14      unless the employee and the employer of the  
15      employee agree otherwise.”.

16          (B) SUBSTITUTION OF PAID LEAVE.—Sec-  
17      tion 102(d)(2)(B) of such Act (29 U.S.C.  
18      2612(d)(2)(B)) is amended, in the first sen-  
19      tence, by striking “(C) or (D)” and inserting  
20      “(C), (D), or (F)”.

21          (C) NOTICE.—Section 102(e) of such Act  
22      (29 U.S.C. 2612(e)) is amended by adding at  
23      the end the following new paragraph:

24          “(4) NOTICE FOR LEAVE DUE TO DEATH OF A  
25      SON OR DAUGHTER.—In any case in which the ne-

1       cessity for leave under subsection (a)(1)(F) is fore-  
 2       seeable, the employee shall provide such notice to the  
 3       employer as is reasonable and practicable.”.

4               (D) SPOUSES EMPLOYED BY SAME EM-  
 5       PLOYER.—Section 102(f)(1)(A) of such Act (29  
 6       U.S.C. 2612(f)(1)(A)) is amended by striking  
 7       “subparagraph (A) or (B)” and inserting “sub-  
 8       paragraph (A), (B), or (F)”.

9               (E) CERTIFICATION REQUIREMENTS.—  
 10       Section 103 of such Act (29 U.S.C. 2613) is  
 11       amended by adding at the end the following:

12       “(g) CERTIFICATION RELATED TO THE DEATH OF  
 13       A SON OR DAUGHTER.—An employer may require that a  
 14       request for leave under section 102(a)(1)(F) be supported  
 15       by a certification issued at such time and in such manner  
 16       as the Secretary may by regulation prescribe. If the Sec-  
 17       retary issues a regulation requiring such certification, the  
 18       employee shall provide, in a timely manner, a copy of such  
 19       certification to the employer.”.

20               (F) FAILURE TO RETURN FROM LEAVE.—  
 21       Section 104(c) of such Act (29 U.S.C. 2614(c))  
 22       is amended—

23               (i) in paragraph (2)(B)(i), by insert-  
 24       ing before the semicolon the following: “,

or a death that entitles the employee to  
leave under section 102(a)(1)(F)”; and

(ii) in paragraph (3)(A)—

(I) in the matter preceding clause

(i), by inserting “, or the death,” before “described”;

(II) in clause (ii), by striking  
“or” at the end;

(III) by redesignating clause (iii)  
as clause (iv); and

(IV) by inserting after clause (ii)  
the following:

“(iii) a certification that meets such  
requirements as the Secretary may by reg-  
ulation prescribe, in the case of an em-  
ployee unable to return to work because of  
a death specified in section 102(a)(1)(F);  
or”.

(G) EMPLOYEES OF LOCAL EDUCATIONAL  
AGENCIES.—Section 108 of such Act (29  
U.S.C. 2618) is amended—

(i) in subsection (c)(1)—

(I) in the matter preceding sub-  
paragraph (A), by inserting after  
“medical treatment” the following: “,

1 or under section 102(a)(1)(F) that is  
 2 foreseeable,”; and

3 (II) in subparagraph (A), by in-  
 4 serting after “to exceed” the fol-  
 5 lowing: “(except in the case of leave  
 6 under section 102(a)(1)(F))”;

7 (ii) in subsection (c)(2), by striking  
 8 “section 102(e)(2)” and inserting “para-  
 9 graphs (2) and (4) of section 102(e), as  
 10 applicable”; and

11 (iii) in subsection (d), in paragraph  
 12 (2) and (3), by striking “or (C)” each  
 13 place it appears and inserting “(C), or  
 14 (F)”.

15 (b) FAMILY LEAVE FOR CIVIL SERVICE EMPLOY-  
 16 EES.—

17 (1) ENTITLEMENT TO LEAVE.—Section  
 18 6382(a)(1) of title 5, United States Code, is amend-  
 19 ed by adding at the end the following:

20 “(F) Because of the death of a son or daugh-  
 21 ter.”.

22 (2) REQUIREMENTS RELATING TO LEAVE.—

23 (A) SCHEDULE.—Section 6382(b)(1) of  
 24 such title is amended by inserting after the  
 25 third sentence the following new sentence:

1           “Leave under subsection (a)(1)(F) shall not be  
2           taken by an employee intermittently or on a re-  
3           duced leave schedule unless the employee and  
4           the employing agency of the employee agree  
5           otherwise.”.

6                   (B) SUBSTITUTION OF PAID LEAVE.—Sec-  
7           tion 6382(d) of such title is amended, in the  
8           first sentence, by striking “or (E)” and insert-  
9           ing “(E), or (F)”.

10                   (C) NOTICE.—Section 6382(e) of such title  
11           is amended by adding at the end the following  
12           new paragraph:

13           “(4) In any case in which the necessity for leave  
14           under subsection (a)(1)(F) is foreseeable, the employee  
15           shall provide such notice to the employing agency as is  
16           reasonable and practicable.”.

17                   (D) CERTIFICATION REQUIREMENTS.—  
18           Section 6383 of such title is amended by adding  
19           at the end the following:

20           “(g) An employing agency may require that a request  
21           for leave under section 6382(a)(1)(F) be supported by a  
22           certification issued at such time and in such manner as  
23           the Office of Personnel Management may by regulation  
24           prescribe. If the Office issues a regulation requiring such

1 certification, the employee shall provide, in a timely man-  
2 ner, a copy of such certification to the employer.”.

