

116TH CONGRESS  
1ST SESSION

# S. 1401

To establish eligibility requirements for education support professionals under the Family and Medical Leave Act of 1993, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 9, 2019

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

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## A BILL

To establish eligibility requirements for education support professionals under the Family and Medical Leave Act of 1993, 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 “ESP Family Leave  
5       Act”.

6       **SEC. 2. ELIGIBILITY FOR EDUCATION SUPPORT PROFES-  
7       SIONALS.**

8       Section 101(2) of the Family and Medical Leave Act  
9       of 1993 (29 U.S.C. 2611(2)) is amended by adding at the  
10      end the following:

1                   “(E) EDUCATION SUPPORT PROFE-  
2                   SIONALS.—

3                   “(i) DETERMINATION.—For purposes  
4                   of determining whether an employee who is  
5                   an education support professional meets  
6                   the hours of service requirement specified  
7                   in subparagraph (A)(ii), the employee will  
8                   be considered to meet the requirement if  
9                   the employee has worked a number of  
10                   hours equal to not less than 60 percent of  
11                   the applicable total monthly hours expected  
12                   for the employee’s job description and du-  
13                   ties, as assigned for the previous school  
14                   year.

15                   “(ii) FILE.—Each employer of an  
16                   education support professional shall main-  
17                   tain on file with the Secretary (in accord-  
18                   ance with such regulations as the Sec-  
19                   retary may prescribe) information speci-  
20                   fying the total monthly hours expected for  
21                   the employee’s job description and duties  
22                   for each school year.

23                   “(iii) DEFINITIONS.—

24                   “(I) EDUCATION SUPPORT PRO-  
25                   FESSIONAL.—In this subparagraph,

1 the term ‘education support profes-  
2 sional’ means an employee within a  
3 public school or public institution of  
4 higher education, which may in-  
5 clude—

1 “(gg) computer, audiovisual,  
2 and language technical support  
3 staff;  
4 “(hh) security staff;  
5 “(ii) nursing, health, and  
6 therapy support staff, who may  
7 also provide community, family,  
8 parent and welfare services; and  
9 “(jj) other staff that may  
10 serve public education students.

## 6 SEC. 3. ENTITLEMENT TO LEAVE.

7       Section 102(a) of the Family and Medical Leave Act  
8 of 1993 (29 U.S.C. 2612(a)) is amended by adding at the  
9 end the following:

10           “(6) CALCULATION OF LEAVE FOR EDUCATION  
11           SUPPORT PROFESSIONALS.—The Secretary may pro-  
12           vide a method for calculating the leave described in  
13           paragraph (1) with respect to employees described in  
14           section 101(2)(E).”.