

118TH CONGRESS
1ST SESSION

S. 242

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, or adult child, or another related individual, who has a serious health condition, and to allow employees to take, as additional leave, parental involvement and family wellness leave to participate in or attend their children's and grandchildren's educational and extracurricular activities or meet family care needs.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2023

Mr. DURBIN (for himself, Mr. BLUMENTHAL, Ms. DUCKWORTH, Mrs. GILLIBRAND, Ms. SMITH, Mr. BROWN, Mrs. MURRAY, and Mr. WELCH) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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, or adult child, or another related individual, who has a serious health condition, and to allow employees to take, as additional leave, parental involvement and family wellness leave to participate in or attend their children's and grandchildren's educational and extracurricular activities or meet family care needs.

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 “Caring for All Families
 5 Act”.

6 **SEC. 2. LEAVE TO CARE FOR A DOMESTIC PARTNER, SON-**
 7 **IN-LAW, DAUGHTER-IN-LAW, PARENT-IN-LAW,**
 8 **ADULT CHILD, GRANDPARENT, GRANDCHILD,**
 9 **OR SIBLING OF THE EMPLOYEE, OR AN-**
 10 **OTHER RELATED INDIVIDUAL.**

11 (a) DEFINITIONS.—

12 (1) INCLUSION OF RELATED INDIVIDUALS.—

13 Section 101 of the Family and Medical Leave Act of
 14 1993 (29 U.S.C. 2611) is amended by adding at the
 15 end the following:

16 “(20) ANY OTHER INDIVIDUAL WHOSE CLOSE
 17 ASSOCIATION IS THE EQUIVALENT OF A FAMILY RE-
 18 LATIONSHIP.—The term ‘any other individual whose
 19 close association is the equivalent of a family rela-
 20 tionship’, used with respect to an employee, means
 21 any person with whom the employee has a signifi-
 22 cant personal bond that is or is like a family rela-
 23 tionship, regardless of biological or legal relation-
 24 ship.

1 “(21) DOMESTIC PARTNER.—The term ‘domes-
2 tic partner’, used with respect to an employee,
3 means—

4 “(A) the person recognized as the domestic
5 partner of the employee under any domestic
6 partnership or civil union law of a State or po-
7 litical subdivision of a State; or

8 “(B) in the case of an unmarried em-
9 ployee, an unmarried adult person who is in a
10 committed, personal relationship with the em-
11 ployee, is not a domestic partner as described
12 in subparagraph (A) to or in such a relation-
13 ship with any other person, and who is des-
14 ignated to the employer by such employee as
15 that employee’s domestic partner.

16 “(22) GRANDCHILD.—The term ‘grandchild’
17 means the son or daughter of an employee’s son or
18 daughter.

19 “(23) GRANDPARENT.—The term ‘grandparent’
20 means a parent of a parent of an employee.

21 “(24) NEPHEW; NIECE.—The terms ‘nephew’
22 and ‘niece’, used with respect to an employee, mean
23 a son or daughter of the employee’s sibling.

1 “(25) PARENT-IN-LAW.— The term ‘parent-in-
2 law’ means a parent of the spouse or domestic part-
3 ner of an employee.

4 “(26) SIBLING.—The term ‘sibling’ means any
5 person who is a son or daughter of an employee’s
6 parent (other than the employee).

7 “(27) SON-IN-LAW; DAUGHTER-IN-LAW.—The
8 terms ‘son-in-law’ and ‘daughter-in-law’, used with
9 respect to an employee, mean any person who is a
10 spouse or domestic partner of a son or daughter, as
11 the case may be, of the employee.

12 “(28) UNCLE; AUNT.—The terms ‘uncle’ and
13 ‘aunt’, used with respect to an employee, mean the
14 son or daughter, as the case may be, of the employ-
15 ee’s grandparent (other than the employee’s par-
16 ent).”.

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

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

22 (B) by striking “who is—” and all that
23 follows and inserting “and includes an adult
24 child.”.

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

4 (1) in subsection (a)—

5 (A) in paragraph (1)—

6 (i) in subparagraph (C), by striking
7 “spouse, or a son, daughter, or parent, of
8 the employee, if such spouse, son, daugh-
9 ter, or parent” and inserting “spouse or
10 domestic partner, or a son or daughter,
11 son-in-law or daughter-in-law, parent, par-
12 ent-in-law, grandparent, grandchild, sib-
13 ling, uncle or aunt, or nephew or niece of
14 the employee, or any other individual
15 whose close association is the equivalent of
16 a family relationship with the employee, if
17 such spouse, domestic partner, son or
18 daughter, son-in-law or daughter-in-law,
19 parent, parent-in-law, grandparent, grand-
20 child, sibling, uncle or aunt, or nephew or
21 niece, or such other individual”; and

22 (ii) in subparagraph (E), by striking
23 “spouse, or a son, daughter, or parent of
24 the employee” and inserting “spouse or do-
25 mestic partner, or a son or daughter, son-

in-law or daughter-in-law, parent, parent-in-law, grandchild, sibling, uncle or aunt, or nephew or niece of the employee, or any other individual whose close association is the equivalent of a family relationship with the employee”; and

(B) in paragraph (3), by striking “spouse, son, daughter, parent, or next of kin of a covered servicemember” and inserting “spouse or domestic partner, son or daughter, son-in-law or daughter-in-law, parent, parent-in-law, grandparent, sibling, uncle or aunt, nephew or niece, or next of kin of a covered servicemember, or any other individual whose close association is the equivalent of a family relationship with the covered servicemember”;

(2) in subsection (e)—

(A) in paragraph (2)(A), by striking “son, daughter, spouse, parent, or covered servicemember of the employee, as appropriate” and inserting “son or daughter, son-in-law or daughter-in-law, spouse or domestic partner, parent, parent-in-law, grandparent, grandchild, sibling, uncle or aunt, nephew or niece, or covered servicemember of the employee, or any

other individual whose close association is the equivalent of a family relationship with the employee, as appropriate”; and

(B) in paragraph (3), by striking “spouse, or a son, daughter, or parent, of the employee” and inserting “spouse or domestic partner, or a son or daughter, son-in-law or daughter-in-law, parent, parent-in-law, grandchild, sibling, uncle or aunt, or nephew or niece of the employee, or any other individual whose close association is the equivalent of a family relationship with the employee, as appropriate,”; and

(3) in subsection (f)—

(A) in paragraph (1)—

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

(ii) in subparagraph (B), by inserting “or parent-in-law” after “parent”; and

(B) in paragraph (2), by inserting “, or those domestic partners,” after “husband and wife” each place it appears.

(c) CERTIFICATION.—Section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) is amended—

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

12 (2) in subsection (b)—

13 (A) in paragraph (4)(A), by striking “son,
 14 daughter, spouse, or parent and an estimate of
 15 the amount of time that such employee is need-
 16 ed to care for the son, daughter, spouse, or par-
 17 ent” and inserting “son or daughter, son-in-law
 18 or daughter-in-law, spouse or domestic partner,
 19 parent, parent-in-law, grandparent, grandchild,
 20 sibling, uncle or aunt, or nephew or niece of the
 21 employee, or any other individual whose close
 22 association is the equivalent of a family rela-
 23 tionship with the employee, as appropriate, and
 24 an estimate of the amount of time that such
 25 employee is needed to care for such son or

daughter, son-in-law or daughter-in-law, spouse
 or domestic partner, parent, parent-in-law,
 grandparent, grandchild, sibling, uncle or aunt,
 or nephew or niece, or such other individual”;
 and

(B) in paragraph (7), by striking “son,
 daughter, parent, or spouse who has a serious
 health condition, or will assist in their recovery,” and inserting “son or daughter, son-in-law
 or daughter-in-law, spouse or domestic partner,
 parent, parent-in-law, grandparent, grandchild,
 sibling, uncle or aunt, or nephew or niece, with
 a serious health condition, of the employee, or
 an individual, with a serious health condition,
 who is any other individual whose close associa-
 tion is the equivalent of a family relationship
 with the employee, as appropriate, or will assist
 in the recovery,”.

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

(1) in subparagraph (A)(i), by striking “son,
 daughter, spouse, or parent of the employee, as ap-
 propriate,” and inserting “son or daughter, son-in-
 law or daughter-in-law, spouse or domestic partner,

parent, parent-in-law, grandparent, grandchild, sibling, uncle or aunt, or nephew or niece of the employee, or any other individual whose close association is the equivalent of a family relationship with the employee, as appropriate,”; and

(2) in subparagraph (C)(ii), by striking “son, daughter, spouse, or parent” and inserting “employee’s son or daughter, son-in-law or daughter-in-law, spouse or domestic partner, parent, parent-in-law, grandparent, grandchild, sibling, uncle or aunt, or nephew or niece, or (with relation to the employee) any other individual whose close association is the equivalent of a family relationship, as appropriate,”.

SEC. 3. LEAVE TO CARE FOR A DOMESTIC PARTNER, SON-IN-LAW, DAUGHTER-IN-LAW, PARENT-IN-LAW, ADULT CHILD, GRANDPARENT, GRANDCHILD, OR SIBLING OF THE EMPLOYEE, OR ANOTHER RELATED INDIVIDUAL FOR FEDERAL EMPLOYEES.

(a) DEFINITIONS.—

(1) INCLUSION OF A DOMESTIC PARTNER, SON-IN-LAW, DAUGHTER-IN-LAW, PARENT-IN-LAW, ADULT CHILD, GRANDPARENT, GRANDCHILD, OR SIBLING OF THE EMPLOYEE, OR ANOTHER INDIVIDUAL WHOSE CLOSE ASSOCIATION IS THE EQUIVALENT OF

1 A FAMILY RELATIONSHIP.—Section 6381 of title 5,
2 United States Code, is amended—

3 (A) in paragraph (11) by striking “; and”
4 and inserting a semicolon;

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

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

8 “(13) the term ‘any other individual whose
9 close association is the equivalent of a family rela-
10 tionship’, used with respect to an employee, means
11 any person with whom the employee has a signifi-
12 cant personal bond that is or is like a family rela-
13 tionship, regardless of biological or legal relation-
14 ship;

15 “(14) the term ‘domestic partner’, used with re-
16 spect to an employee, means—

17 “(A) the person recognized as the domestic
18 partner of the employee under any domestic
19 partnership or civil union law of a State or po-
20 litical subdivision of a State; or

21 “(B) in the case of an unmarried em-
22 ployee, an unmarried adult person who is in a
23 committed, personal relationship with the em-
24 ployee, is not a domestic partner as described
25 in subparagraph (A) or in such a relationship

1 with any other person, and who is designated to
2 the employing agency by such employee as that
3 employee's domestic partner;

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

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

8 “(17) the terms ‘nephew’ and ‘niece’, used with
9 respect to an employee, mean a son or daughter of
10 the employee's sibling;

11 “(18) the term ‘parent-in-law’ means a parent
12 of the spouse or domestic partner of an employee;

13 “(19) the term ‘sibling’ means any person who
14 is a son or daughter of an employee's parent (other
15 than the employee);

16 “(20) the terms ‘son-in-law’ and ‘daughter-in-
17 law’, used with respect to an employee, mean any
18 person who is a spouse or domestic partner of a son
19 or daughter, as the case may be, of the employee;

20 “(21) the term ‘State’ has the same meaning
21 given the term in section 3 of the Fair Labor Stand-
22 ards Act of 1938 (29 U.S.C. 203); and

23 “(22) the terms ‘uncle’ and ‘aunt’, used with
24 respect to an employee, mean the son or daughter,

1 as the case may be, of the employee’s grandparent
 2 (other than the employee’s parent).”.

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

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

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

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

13 (1) in subsection (a)—

14 (A) in paragraph (1)—

15 (i) in subparagraph (C), by striking
 16 “spouse, or a son, daughter, or parent, of
 17 the employee, if such spouse, son, daugh-
 18 ter, or parent” and inserting “spouse or
 19 domestic partner, or a son or daughter,
 20 son-in-law or daughter-in-law, parent, par-
 21 ent-in-law, grandparent, grandchild, sib-
 22 ling, uncle or aunt, or nephew or niece of
 23 the employee, or any other individual
 24 whose close association with the employee
 25 is the equivalent of a family relationship, if

1 such spouse, domestic partner, son or
 2 daughter, son-in-law or daughter-in-law,
 3 parent, parent-in-law, grandparent, grand-
 4 child, sibling, uncle or aunt, or nephew or
 5 niece, or such other individual”; and

6 (ii) in subparagraph (E), by striking
 7 “spouse, or a son, daughter, or parent of
 8 the employee” and inserting “spouse or do-
 9 mestic partner, or a son or daughter, son-
 10 in-law or daughter-in-law, parent, parent-
 11 in-law, grandchild, sibling, uncle or aunt,
 12 or nephew or niece of the employee, or any
 13 other individual whose close association is
 14 the equivalent of a family relationship with
 15 the employee”; and

16 (B) in paragraph (3), by striking “spouse,
 17 son, daughter, parent, or next of kin of a cov-
 18 ered servicemember” and inserting “spouse or
 19 domestic partner, son or daughter, son-in-law
 20 or daughter-in-law, parent, parent-in-law,
 21 grandparent, sibling, uncle or aunt, nephew or
 22 niece, or next of kin of a covered servicemem-
 23 ber, or any other individual whose close associa-
 24 tion is the equivalent of a family relationship
 25 with the covered servicemember”; and

1 (2) in subsection (e)—

2 (A) in paragraph (2)(A), by striking “son,
3 daughter, spouse, parent, or covered service-
4 member of the employee, as appropriate” and
5 inserting “son or daughter, son-in-law or
6 daughter-in-law, spouse or domestic partner,
7 parent, parent-in-law, grandparent, grandchild,
8 sibling, uncle or aunt, nephew or niece, or cov-
9 ered servicemember of the employee, or any
10 other individual whose close association is the
11 equivalent of a family relationship with the em-
12 ployee, as appropriate”; and

13 (B) in paragraph (3), by striking “spouse,
14 or a son, daughter, or parent, of the employee”
15 and inserting “spouse or domestic partner, or a
16 son or daughter, son-in-law or daughter-in-law,
17 parent, parent-in-law, grandchild, sibling, uncle
18 or aunt, or nephew or niece of the employee, or
19 any other individual whose close association is
20 the equivalent of a family relationship with the
21 employee, as appropriate,”.

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

24 (1) in subsection (a), by striking “son, daugh-
25 ter, spouse, or parent of the employee, as appro-

1 priate” and inserting “son or daughter, son-in-law
 2 or daughter-in-law, spouse or domestic partner, par-
 3 ent, parent-in-law, grandparent, grandchild, sibling,
 4 uncle or aunt, or nephew or niece of the employee,
 5 or any other individual whose close association is the
 6 equivalent of a family relationship with the em-
 7 ployee, as appropriate”; and

8 (2) in subsection (b)(4)(A), by striking “son,
 9 daughter, spouse, or parent, and an estimate of the
 10 amount of time that such employee is needed to care
 11 for such son, daughter, spouse, or parent” and in-
 12 serting “son or daughter, son-in-law or daughter-in-
 13 law, spouse or domestic partner, parent, parent-in-
 14 law, grandparent, grandchild, sibling, uncle or aunt,
 15 or nephew or niece of the employee, or any other in-
 16 dividual whose close association is the equivalent of
 17 a family relationship with the employee, as appro-
 18 priate, and an estimate of the amount of time that
 19 such employee is needed to care for such son or
 20 daughter, son-in-law or daughter-in-law, spouse or
 21 domestic partner, parent, parent-in-law, grand-
 22 parent, grandchild, sibling, uncle or aunt, or nephew
 23 or niece, or such other individual”.

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

4 (a) LEAVE REQUIREMENT.—Section 102(a) of the
 5 Family and Medical Leave Act of 1993 (29 U.S.C.
 6 2612(a)), as amended by section 2(b), is further amend-
 7 ed—

8 (1) by redesignating paragraph (5) as para-
 9 graph (6); and

10 (2) by inserting after paragraph (4) the fol-
 11 lowing new paragraph:

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

15 “(A) IN GENERAL.—Subject to subpara-
 16 graph (B) and section 103(g), an eligible em-
 17 ployee shall be entitled to leave under this para-
 18 graph to—

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

25 “(ii) meet routine family medical care
 26 needs (including by attending medical and

1 dental appointments of the employee or a
 2 son or daughter, spouse or domestic part-
 3 ner, or grandchild of the employee) or at-
 4 tend to the care needs of an elderly indi-
 5 vidual who is any other individual whose
 6 close association is the equivalent of a fam-
 7 ily relationship with the employee (includ-
 8 ing by making visits to nursing homes or
 9 group homes).

10 “(B) LIMITATIONS.—

11 “(i) IN GENERAL.—An eligible em-
 12 ployee shall be entitled to—

13 “(I) not to exceed 4 hours of
 14 leave under this paragraph during any
 15 30-day period; and

16 “(II) not to exceed 24 hours of
 17 leave under this paragraph during any
 18 12-month period described in para-
 19 graph (4).

20 “(ii) COORDINATION RULE.—Leave
 21 under this paragraph shall be in addition
 22 to any leave provided under any other
 23 paragraph of this subsection.

24 “(C) DEFINITIONS.—As used in this para-
 25 graph:

1 “(i) COMMUNITY ORGANIZATION.—

2 The term ‘community organization’ means
3 a private nonprofit organization that is
4 representative of a community or a signifi-
5 cant segment of a community and provides
6 activities for individuals described in sec-
7 tion 101(12), such as a scouting or sports
8 organization.

9 “(ii) SCHOOL.—The term ‘school’
10 means an elementary school or secondary
11 school (as such terms are defined in sec-
12 tion 8101 of the Elementary and Sec-
13 ondary Education Act of 1965 (20 U.S.C.
14 7801)), a Head Start program assisted
15 under the Head Start Act (42 U.S.C. 9831
16 et seq.), and a child care facility licensed
17 under State law.”.

18 (b) SCHEDULE.—Section 102(b)(1) of such Act (29
19 U.S.C. 2612(b)(1)) is amended by inserting after the third
20 sentence the following new sentence: “Subject to sub-
21 section (e)(4) and section 103(g), leave under subsection
22 (a)(5) may be taken intermittently or on a reduced leave
23 schedule.”.

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

4 “(C) PARENTAL INVOLVEMENT LEAVE AND
 5 FAMILY WELLNESS LEAVE.—

6 “(i) VACATION LEAVE; PERSONAL
 7 LEAVE; FAMILY LEAVE.—An eligible em-
 8 ployee may elect, or an employer may re-
 9 quire the employee, to substitute any of
 10 the accrued paid vacation leave, personal
 11 leave, or family leave of the employee for
 12 any part of the period of leave under sub-
 13 section (a)(5).

14 “(ii) MEDICAL OR SICK LEAVE.—An
 15 eligible employee may elect, or an employer
 16 may require the employee, to substitute
 17 any of the accrued paid medical or sick
 18 leave of the employee for any part of the
 19 period of leave provided under clause (ii) of
 20 subsection (a)(5)(A), except that nothing
 21 in this title shall require an employer to
 22 provide paid sick leave or paid medical
 23 leave in any situation in which such em-
 24 ployer would not normally provide any
 25 such paid leave.

1 “(iii) PROHIBITION ON RESTRICTIONS
 2 AND LIMITATIONS.—If the employee elects
 3 or the employer requires the substitution
 4 of accrued paid leave for leave under sub-
 5 section (a)(5), the employer shall not re-
 6 strict or limit the leave that may be sub-
 7 stituted or impose any additional terms
 8 and conditions on the substitution of such
 9 leave that are more stringent for the em-
 10 ployee than the terms and conditions set
 11 forth in this Act.”.

12 (d) NOTICE.—Section 102(e) of such Act (29 U.S.C.
 13 2612(e)), as amended by section 2(b), is further amended
 14 by adding at the end the following new paragraph:

15 “(4) NOTICE RELATING TO PARENTAL IN-
 16 VOLVEMENT AND FAMILY WELLNESS LEAVE.—In
 17 any case in which an employee requests leave under
 18 paragraph (5) of subsection (a), the employee
 19 shall—

20 “(A) provide the employer with not less
 21 than 7 days’ notice, or (if such notice is imprac-
 22 ticable) such notice as is practicable, before the
 23 date the leave is to begin, of the employee’s in-
 24 tention to take leave under such paragraph; and

1 “(B) in the case of leave to be taken under
 2 subsection (a)(5)(A)(ii), make a reasonable ef-
 3 fort to schedule the activity or care involved so
 4 as not to disrupt unduly the operations of the
 5 employer, subject to the approval of the health
 6 care provider involved (if any).”.

7 (e) CERTIFICATION.—Section 103 of such Act (29
 8 U.S.C. 2613) is amended by adding at the end the fol-
 9 lowing new subsection:

10 “(g) CERTIFICATION RELATED TO PARENTAL IN-
 11 VOLVEMENT AND FAMILY WELLNESS LEAVE.—An em-
 12 ployer may require that a request for leave under section
 13 102(a)(5) be supported by a certification issued at such
 14 time and in such manner as the Secretary may by regula-
 15 tion prescribe.”.

16 **SEC. 5. ENTITLEMENT OF FEDERAL EMPLOYEES TO LEAVE**
 17 **FOR PARENTAL INVOLVEMENT AND FAMILY**
 18 **WELLNESS.**

19 (a) LEAVE REQUIREMENT.—Section 6382(a) of title
 20 5, United States Code, as amended by section 3(b), is fur-
 21 ther amended by adding at the end the following new para-
 22 graph:

23 “(5)(A) Subject to subparagraph (B) and section
 24 6383(f), an employee shall be entitled to leave under this
 25 paragraph to—

1 “(i) participate in or attend an activity that is
2 sponsored by a school or community organization
3 and relates to a program of the school or organiza-
4 tion that is attended by a son or daughter or a
5 grandchild of the employee; or

6 “(ii) meet routine family medical care needs
7 (including by attending medical and dental appoint-
8 ments of the employee or a son or daughter, spouse
9 or domestic partner, or grandchild of the employee)
10 or to attend to the care needs of an elderly indi-
11 vidual who is any other individual whose close asso-
12 ciation is the equivalent of a family relationship with
13 the employee (including by making visits to nursing
14 homes and group homes).

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

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

18 “(II) not to exceed 24 hours of leave under this
19 paragraph during any 12-month period described in
20 paragraph (4).

21 “(ii) Leave under this paragraph shall be in addition
22 to any leave provided under any other paragraph of this
23 subsection.

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

1 “(i) the term ‘community organization’ means a
 2 private nonprofit organization that is representative
 3 of a community or a significant segment of a com-
 4 munity and provides activities for individuals de-
 5 scribed in section 6381(6), such as a scouting or
 6 sports organization; and

7 “(ii) the term ‘school’ means an elementary
 8 school or secondary school (as such terms are de-
 9 fined in section 8101 of the Elementary and Sec-
 10 ondary Education Act of 1965 (20 U.S.C. 7801)), a
 11 Head Start program assisted under the Head Start
 12 Act (42 U.S.C. 9831 et seq.), and a child care facil-
 13 ity licensed under State law.”.

14 (b) SCHEDULE.—Section 6382(b)(1) of such title is
 15 amended—

16 (1) by inserting after the third sentence the fol-
 17 lowing new sentence: “Subject to subsection (e)(4)
 18 and section 6383(f), leave under subsection (a)(5)
 19 may be taken intermittently or on a reduced leave
 20 schedule.”; and

21 (2) in the last sentence, by striking “involved,”
 22 and inserting “involved (or, in the case of leave
 23 under subsection (a)(5), for purposes of the 30-day
 24 or 12-month period involved),”.

1 (c) SUBSTITUTION OF PAID LEAVE.—Section
 2 6382(d) of such title is amended by adding at the end
 3 the following:

4 “(3) An employee may elect to substitute for any part
 5 of the period of leave under subsection (a)(5), any of the
 6 employee’s accrued or accumulated annual or sick leave.
 7 If the employee elects the substitution of that accrued or
 8 accumulated annual or sick leave for leave under sub-
 9 section (a)(5), the employing agency shall not restrict or
 10 limit the leave that may be substituted or impose any addi-
 11 tional terms and conditions on the substitution of such
 12 leave that are more stringent for the employee than the
 13 terms and conditions set forth in this subchapter.”.

14 (d) NOTICE.—Section 6382(e) of such title, as
 15 amended by section 3(b)(2), is further amended by adding
 16 at the end the following new paragraph:

17 “(4) In any case in which an employee requests leave
 18 under paragraph (5) of subsection (a), the employee
 19 shall—

20 “(A) provide the employing agency with not less
 21 than 7 days’ notice, or (if such notice is impracti-
 22 cable) such notice as is practicable, before the date
 23 the leave is to begin, of the employee’s intention to
 24 take leave under such paragraph; and

1 “(B) in the case of leave to be taken under sub-
2 section (a)(5)(A)(ii), make a reasonable effort to
3 schedule the activity or care involved so as not to
4 disrupt unduly the operations of the employing agen-
5 cy, subject to the approval of the health care pro-
6 vider involved (if any).”.

7 (e) CERTIFICATION.—Section 6383(f) of such title is
8 amended by striking “paragraph (1)(E) or (3) of” and
9 inserting “paragraph (1)(E), (3) or (5) of”.

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