

118TH CONGRESS
1ST SESSION

H. R. 3409

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 HOUSE OF REPRESENTATIVES

MAY 17, 2023

Ms. DELAURO (for herself, Mr. SCHIFF, Mr. CARSON, Ms. KUSTER, Ms. PRESSLEY, Ms. LEE of California, Mr. FOSTER, Mrs. WATSON COLEMAN, Mr. BOYLE of Pennsylvania, Mr. RUPPERSBERGER, Ms. PINGREE, Mr. DELUZIO, Mr. DAVIS of Illinois, Mr. PHILLIPS, Ms. ROSS, Mr. KILMER, Mr. BEYER, Mr. PAYNE, Mr. NORCROSS, Mr. EVANS, Mr. BLUMENAUER, Ms. NORTON, Ms. SLOTKIN, Mr. CLEAVER, Mr. CONNOLLY, Mrs. NAPOLITANO, Mr. CASAR, Ms. OMAR, Mr. BOWMAN, Mr. RASKIN, Ms. SCHAKOWSKY, Mr. HUFFMAN, Mr. MOSKOWITZ, Mr. NADLER, Mr. GARCÍA of Illinois, Ms. TOKUDA, Mr. COURTNEY, Mr. NEGUSE, Mr. LARSON of Connecticut, Mr. SARBANES, Mr. MORELLE, Mrs. BEATTY, Mr. VARGAS, Ms. CHU, Ms. BROWNLEY, Ms. CASTOR of Florida, Ms. PORTER, Mr. MULLIN, Ms. UNDERWOOD, Ms. SÁNCHEZ, Ms. BLUNT ROCHESTER, Mr. DOGGETT, Ms. LOIS FRANKEL of Florida, Mrs. MCBATH, Ms. KAPTUR, Mr. DESAULNIER, Mr. POCAN, Ms. SCANLON, Mr. MCGARVEY, Ms. BARRAGÁN, Ms. WILLIAMS of Georgia, Ms. BUDZINSKI, Mr. TONKO, Ms. JAYAPAL, Ms. TLAIB, Mr. MENENDEZ, Ms. KELLY of Illinois, Mr. CARBAJAL, Ms. JACOBS, Mr. PETERS, Mr. MAGAZINER, Mr. MOULTON, Ms. JACKSON LEE, Mr. LYNCH, Ms. LEE of Pennsylvania, Ms. DELBENE, Ms. BONAMICI, Mr. LIEU, Mr. CÁRDENAS, Mr. NICKEL, and Ms. LOFGREN) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on House Administration, and Oversight and Accountability, 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

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. DEFINITIONS.**

6 In this Act:

7 (1) CHILD.—The term “child” means a biologi-
8 cal, foster, or adopted child, a stepchild, a child of
9 a domestic partner, a legal ward, or a child of a per-
10 son standing in loco parentis.

11 (2) COMMERCE.—The terms “commerce” and
12 “industry or activity affecting commerce” mean any
13 activity, business, or industry in commerce or in
14 which a labor dispute would hinder or obstruct com-
15 merce or the free flow of commerce, and include
16 “commerce” and any “industry affecting com-
17 merce”, as defined in paragraphs (1) and (3) of sec-
18 tion 501 of the Labor Management Relations Act,
19 1947 (29 U.S.C. 142 (1) and (3)).

20 (3) DOMESTIC PARTNER.—

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

1 (B) COMMITTED RELATIONSHIP DE-
2 FINED.—The term “committed relationship”
3 means a relationship between 2 individuals,
4 each at least 18 years of age, in which each in-
5 dividual is the other individual’s sole domestic
6 partner and both individuals share responsi-
7 bility for a significant measure of each other’s
8 common welfare. The term includes any such
9 relationship between 2 individuals, including in-
10 dividuals of the same sex, that is granted legal
11 recognition by a State or political subdivision of
12 a State as a marriage or analogous relationship,
13 including a civil union or domestic partnership.

14 (4) DOMESTIC VIOLENCE.—The term “domestic
15 violence” has the meaning given the term in section
16 40002(a) of the Violence Against Women Act of
17 1994 (34 U.S.C. 12291(a)), except that the ref-
18 erence in such section to the term “jurisdiction re-
19 ceiving grant funding” shall be deemed to mean the
20 jurisdiction in which the victim lives or the jurisdic-
21 tion in which the employer involved is located. Such
22 term also includes “dating violence”, as that term is
23 defined in such section.

24 (5) EMPLOYEE.—The term “employee” means
25 an individual who is—

1 (A)(i) an employee, as defined in section
2 3(e) of the Fair Labor Standards Act of 1938
3 (29 U.S.C. 203(e)), who is not covered under
4 any other provision of this paragraph, including
5 such an employee of the Library of Congress,
6 except that a reference in such section to an
7 employer shall be considered to be a reference
8 to an employer described in paragraph
9 (6)(A)(i)(I);

10 (ii) an employee of the Government Ac-
11 countability Office; or

12 (iii) an employee of a covered employer de-
13 scribed in paragraph (6)(B)(i)(V) who performs
14 work that has been traditionally performed by
15 employees in a railroad industry craft or class
16 recognized under the Ninth paragraph of sec-
17 tion 2 of the Railway Labor Act (45 U.S.C.
18 152), including any employee who performs—

19 (I) work with respect to the movement
20 of trains;

21 (II) maintenance of way work;

22 (III) signal work;

23 (IV) work for purposes of the inspec-
24 tion, maintenance, repair, or cleaning of lo-

1 comotives, rail maintenance facilities, rail-
2 related equipment, or rail cars;

3 (V) dispatching work;

4 (VI) work with respect to the move-
5 ment of equipment within a rail yard; or

6 (VII) rail clerical or communications
7 work;

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

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

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

17 (E) a Federal officer or employee covered
18 under subchapter V of chapter 63 of title 5,
19 United States Code (without regard to the limi-
20 tation in section 6381(1)(B) of that title).

21 (6) EMPLOYER.—

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

1 (i)(I) a covered employer who is not
2 described in any other subclause of this
3 clause;

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) engaged in commerce (including
17 government), or an industry or activity af-
18 fecting commerce (including government).

19 (B) COVERED EMPLOYER.—

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

22 (I) means any person engaged in
23 commerce or in any industry or activ-
24 ity affecting commerce who employs
25 15 or more employees for each work-

1 ing day during each of 20 or more
2 calendar workweeks in the current or
3 preceding year;

4 (II) means a smaller employer, to
5 which the special rule in paragraph
6 (3) of section 3(a) applies;

7 (III) means the Government Ac-
8 countability Office and the Library of
9 Congress;

10 (IV) includes—

11 (aa) any person who acts,
12 directly or indirectly, in the inter-
13 est of an employer covered by
14 this clause to any of the employ-
15 ees of such employer; and

16 (bb) any successor in inter-
17 est of such an employer; and

18 (V) includes any rail carrier.

19 (ii) PUBLIC AGENCY.—For purposes
20 of clause (i), a public agency, as defined in
21 section 3(x) of the Fair Labor Standards
22 Act of 1938 (29 U.S.C. 203(x)), shall be
23 considered to be a person engaged in com-
24 merce or in an industry or activity affect-
25 ing commerce.

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

3 (I) EMPLOYEE.—The term “em-
4 ployee” has the meaning given such
5 term in section 3(e) of the Fair Labor
6 Standards Act of 1938 (29 U.S.C.
7 203(e)).

8 (II) PERSON.—The term “per-
9 son” has the meaning given such term
10 in section 3(a) of the Fair Labor
11 Standards Act of 1938 (29 U.S.C.
12 203(a)).

13 (III) SMALLER EMPLOYER.—The
14 term “smaller employer” means any
15 person engaged in commerce or in any
16 industry or activity affecting com-
17 merce who employs fewer than 15 em-
18 ployees for each working day during
19 each of 20 or more calendar work-
20 weeks in the preceding year.

21 (C) PREDECESSORS.—Any reference in
22 this paragraph to an employer, including such
23 a smaller employer, shall include a reference to
24 any predecessor of such employer.

1 (7) EMPLOYMENT BENEFITS.—The term “em-
2 ployment benefits” means all benefits provided or
3 made available to employees by an employer, includ-
4 ing group life insurance, health insurance, disability
5 insurance, sick leave, annual leave, educational bene-
6 fits, and pensions, regardless of whether such bene-
7 fits are provided by a practice or written policy of
8 an employer or through an “employee benefit plan”,
9 as defined in section 3(3) of the Employee Retirement
10 Income Security Act of 1974 (29 U.S.C.
11 1002(3)).

12 (8) HEALTH CARE PROVIDER.—The term
13 “health care provider” means a provider who—

14 (A)(i) is a doctor of medicine or osteopathy
15 who is authorized to practice medicine or sur-
16 gery (as appropriate) by the State in which the
17 doctor practices; or

18 (ii) is any other person determined by the
19 Secretary to be capable of providing health care
20 services; and

21 (B) is not employed by an employer for
22 whom the provider issues certification under
23 this Act.

1 (9) PAID SICK TIME.—The term “paid sick
2 time” means an increment of compensated leave
3 that—

4 (A) can be earned by an employee for use
5 during an absence from employment for any of
6 the reasons described in paragraphs (1)
7 through (4) of section 3(b); and

8 (B) is compensated at a rate that is not
9 less than the greater of—

10 (i) the regular rate of pay of the em-
11 ployee;

12 (ii) the rate specified in section
13 6(a)(1) of the Fair Labor Standards Act
14 of 1938 (29 U.S.C. 206(a)(1)); or

15 (iii) the rate specified in the applica-
16 ble State or local minimum wage law.

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

23 (11) RAIL CARRIER.—The term “rail carrier”
24 has the meaning given such term in section 10102
25 of title 49, United States Code.

1 (12) SECRETARY.—The term “Secretary”
2 means the Secretary of Labor.

3 (13) SEXUAL ASSAULT.—The term “sexual as-
4 sult” has the meaning given the term in section
5 40002(a) of the Violence Against Women Act of
6 1994 (34 U.S.C. 12291(a)).

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

11 (15) STALKING.—The term “stalking” has the
12 meaning given the term in section 40002(a) of the
13 Violence Against Women Act of 1994 (34 U.S.C.
14 12291(a)).

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

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

23 (18) VICTIM SERVICES ORGANIZATION.—The
24 term “victim services organization” means a non-
25 profit, nongovernmental organization that provides

1 assistance to victims of domestic violence, sexual as-
2 sault, or stalking or advocates for such victims, in-
3 cluding a rape crisis center, an organization carrying
4 out a domestic violence, sexual assault, or stalking
5 prevention or treatment program, an organization
6 operating a shelter or providing counseling services,
7 or a legal services organization or other organization
8 providing assistance through the legal process.

9 **SEC. 3. EARNED PAID SICK TIME.**

10 (a) **EARNING OF PAID SICK TIME.**—

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

19 (2) **EXEMPT EMPLOYEES.**—

20 (A) **IN GENERAL.**—Except as provided in
21 subparagraph (B), for purposes of this section,
22 an employee who is exempt from overtime re-
23 quirements under section 13(a)(1) of the Fair
24 Labor Standards Act of 1938 (29 U.S.C.

1 213(a)(1)) shall be deemed to work 40 hours in
2 each workweek.

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

8 (3) SPECIAL RULE FOR SMALLER EMPLOY-
9 ERS.—A smaller employer, as defined in section
10 2(6)(B)(iii), may provide paid sick time as provided
11 under paragraph (1) but if such smaller employer
12 opts not to do so, the smaller employer shall provide
13 not fewer than 56 hours of unpaid sick time to each
14 employee per year to be used for the same purposes
15 and under the same conditions and procedures as set
16 out in this Act. The provision and earning of unpaid
17 sick time shall be treated in all respects the same as
18 the provision and earning of paid sick time under
19 this Act. References in this Act to paid sick time
20 shall, with respect to such smaller employers, be
21 deemed to be references to unpaid sick time.

22 (4) DATES FOR BEGINNING TO EARN PAID SICK
23 TIME AND USE.—Except as provided in the second
24 sentence of paragraph (8), employees shall begin to
25 earn paid sick time under this section at the com-

1 mencement of their employment. Except as provided
2 in such sentence, an employee shall be entitled to
3 use the earned paid sick time beginning on the 60th
4 calendar day following commencement of the em-
5 ployee’s employment. After that 60th calendar day,
6 the employee may use the paid sick time as the time
7 is earned. An employer may, at the discretion of the
8 employer, loan paid sick time to an employee for use
9 by such employee in advance of the employee earn-
10 ing such sick time as provided in this subsection and
11 may permit use before the 60th day of employment.

12 (5) CARRYOVER.—

13 (A) IN GENERAL.—Except as provided in
14 subparagraph (B), paid sick time earned under
15 this section shall carry over from 1 year to the
16 next.

17 (B) CONSTRUCTION.—This Act shall not
18 be construed to require an employer to permit
19 an employee to earn more than 56 hours of
20 earned paid sick time in a calendar year.

21 (6) EMPLOYERS WITH EXISTING POLICIES.—

22 Any employer with a paid leave policy who makes
23 available an amount of paid leave that is sufficient
24 to meet the requirements of this section and that
25 may be used for the same purposes and under the

1 same conditions and procedures as the purposes,
2 conditions, and procedures described in this section
3 shall not be required to permit an employee to earn
4 additional paid sick time under this section.

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

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

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

24 (b) USES.—Paid sick time earned under subsection
25 (a) may be used by an employee for any of the following:

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

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

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

12 (A) has any of the conditions or needs for
13 diagnosis or care described in paragraph (1) or
14 (2);

15 (B) is required to attend—

16 (i) in the case of someone who is a
17 child, a school meeting; or

18 (ii) a meeting at a place where the
19 child, parent, spouse, domestic partner, or
20 such other individual is receiving care ne-
21 cessitated by a health condition or dis-
22 ability of the child, parent, spouse, domes-
23 tic partner, or such other individual;

24 (C) is in need of care and is typically cared
25 for by an individual who is unable to provide

1 care because the individual has any of condi-
2 tions or needs for diagnosis or care described in
3 paragraph (1) or (2); or

4 (D) is otherwise in need of care.

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

7 (A) seek medical attention for the em-
8 ployee or the employee's child, parent, spouse,
9 domestic partner, or an individual related to the
10 employee as described in paragraph (3), to re-
11 cover from physical or psychological injury or
12 disability caused by domestic violence, sexual
13 assault, or stalking;

14 (B) obtain or assist a child, a parent, a
15 spouse, a domestic partner, or any other indi-
16 vidual related by blood or affinity whose close
17 association with the employee is the equivalent
18 of a family relationship in obtaining services
19 from a victim services organization;

20 (C) obtain or assist a child, a parent, a
21 spouse, a domestic partner, or any other indi-
22 vidual related by blood or affinity whose close
23 association with the employee is the equivalent
24 of a family relationship in obtaining psycho-
25 logical or other counseling;

1 (D) seek relocation; or

2 (E) take legal action, including preparing
3 for or participating in any civil or criminal legal
4 proceeding related to or resulting from domestic
5 violence, sexual assault, or stalking.

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

10 (d) PROCEDURES.—

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

14 (A) include the expected duration of the
15 period of such time; and

16 (B)(i) in a case in which the need for such
17 period of time is foreseeable at least 7 days in
18 advance of such period, be provided at least 7
19 days in advance of such period; or

20 (ii) otherwise, be provided as soon as prac-
21 ticable after the employee is aware of the need
22 for such period.

23 (2) CERTIFICATION IN GENERAL.—

24 (A) PROVISION.—

1 (i) IN GENERAL.—Subject to subpara-
2 graph (C), an employer may require that a
3 request for paid sick time under this sec-
4 tion for a purpose described in paragraph
5 (1), (2), or (3) of subsection (b) be sup-
6 ported by a certification issued by the
7 health care provider of the eligible em-
8 ployee or of an individual described in sub-
9 section (b)(3), as appropriate, if the period
10 of such time covers more than 3 consecu-
11 tive workdays.

12 (ii) TIMELINESS.—The employee shall
13 provide a copy of such certification to the
14 employer in a timely manner, not later
15 than 30 days after the first day of the pe-
16 riod of time. The employer shall not delay
17 the commencement of the period of time on
18 the basis that the employer has not yet re-
19 ceived the certification.

20 (B) SUFFICIENT CERTIFICATION.—A cer-
21 tification provided under subparagraph (A)
22 shall be sufficient if it states—

23 (i) the date on which the period of
24 time will be needed;

1 (ii) the probable duration of the pe-
2 riod of time; and

3 (iii)(I) for purposes of paid sick time
4 under subsection (b)(1), a statement that
5 absence from work is medically necessary;

6 (II) for purposes of such time under
7 subsection (b)(2), the dates on which test-
8 ing for a medical diagnosis or care is ex-
9 pected to be given and the duration of such
10 testing or care; and

11 (III) for purposes of such time under
12 subsection (b)(3), in the case of time to
13 care for someone who is not a child, a
14 statement that care is needed for an indi-
15 vidual described in such subsection, and an
16 estimate of the amount of time that such
17 care is needed for such individual.

18 (C) REGULATIONS.—Regulations pre-
19 scribed under section 12 shall specify the man-
20 ner in which an employee who does not have
21 health insurance shall provide a certification for
22 purposes of this paragraph.

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

1 (i) PROTECTED HEALTH INFORMA-
2 TION.—Nothing in this Act shall be con-
3 strued to require a health care provider to
4 disclose information in violation of section
5 1177 of the Social Security Act (42 U.S.C.
6 1320d–6) or the regulations promulgated
7 pursuant to section 264(c) of the Health
8 Insurance Portability and Accountability
9 Act of 1996 (42 U.S.C. 1320d–2 note).

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

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

20 (II) be treated as a confidential
21 medical record; and

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

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

3 (A) IN GENERAL.—An employer may re-
4 quire that a request for paid sick time under
5 this section for a purpose described in sub-
6 section (b)(4) be supported by a form of docu-
7 mentation described in subparagraph (B) if the
8 period of such time covers more than 3 consecu-
9 tive workdays.

10 (B) FORM OF DOCUMENTATION.—A form
11 of documentation described in this subpara-
12 graph is any one of the following:

13 (i) A police report indicating that the
14 employee, or an individual described in
15 subsection (b)(4)(A) with respect to the
16 employee, was a victim of domestic vio-
17 lence, sexual assault, or stalking.

18 (ii) A court order protecting or sepa-
19 rating the employee, or such an individual
20 with respect to the employee, from the per-
21 petrator of an act of domestic violence,
22 sexual assault, or stalking, or other evi-
23 dence from the court or prosecuting attor-
24 ney that the employee, or an individual de-
25 scribed in subsection (b)(4)(A) with re-

1 spect to the employee, has appeared in
2 court or is scheduled to appear in court in
3 a proceeding related to domestic violence,
4 sexual assault, or stalking.

5 (iii) Other documentation signed by
6 an employee or volunteer working for a vic-
7 tim services organization, an attorney, a
8 police officer, a medical professional, a so-
9 cial worker, an antiviolence counselor, or a
10 member of the clergy, affirming that the
11 employee, or an individual described in
12 subsection (b)(4)(A) with respect to the
13 employee, is a victim of domestic violence,
14 sexual assault, or stalking.

15 (C) REQUIREMENTS.—The requirements of
16 paragraph (2) shall apply to certifications
17 under this paragraph, except that—

18 (i) subparagraph (B)(iii) of such para-
19 graph shall not apply;

20 (ii) the certification shall state the
21 reason that the leave is required with the
22 facts to be disclosed limited to the min-
23 imum necessary to establish a need for the
24 employee to be absent from work, and the
25 employee shall not be required to explain

1 the details of the domestic violence, sexual
2 assault, or stalking involved; and

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

9 (I) requested or consented to in
10 writing by the employee; or

11 (II) otherwise required by appli-
12 cable Federal or State law.

13 (D) SPECIFICATION OF DOCUMENTA-
14 TION.—An employer may not specify which of
15 the forms of documentation described in clause
16 (i), (ii), or (iii) of subparagraph (B) is required
17 to be provided in order to satisfy the require-
18 ment under subparagraph (A).

19 **SEC. 4. NOTICE REQUIREMENT.**

20 (a) IN GENERAL.—Each employer shall notify each
21 employee and include in any employee handbook, informa-
22 tion—

23 (1) describing paid sick time available to em-
24 ployees under this Act;

1 (2) pertaining to the filing of an action under
2 this Act;

3 (3) on the details of the notice requirement for
4 a foreseeable period of time under section
5 3(d)(1)(B)(i); and

6 (4) that describes—

7 (A) the protections that an employee has
8 in exercising rights under this Act; and

9 (B) how the employee can contact the Sec-
10 retary (or other appropriate authority as de-
11 scribed in section 6) if any of the rights are vio-
12 lated.

13 (b) POSTING OF NOTICE.—Each employer shall post
14 and keep posted a notice, to be prepared or approved in
15 accordance with procedures specified in regulations pre-
16 scribed under section 12, setting forth excerpts from, or
17 summaries of, the pertinent provisions of this Act includ-
18 ing the information described in paragraphs (1) through
19 (4) of subsection (a).

20 (c) LOCATION.—The notice described under sub-
21 section (b) shall be posted—

22 (1) in conspicuous places on the premises of the
23 employer, where notices to employees (including ap-
24 plicants) are customarily posted; and

25 (2) in employee handbooks.

1 (d) VIOLATION; PENALTY.—Any employer who will-
2 fully violates subsection (b) shall be subject to a civil fine
3 in an amount not to exceed \$100 for each separate of-
4 fense.

5 **SEC. 5. PROHIBITED ACTS.**

6 (a) INTERFERENCE WITH RIGHTS.—

7 (1) EXERCISE OF RIGHTS.—It shall be unlawful
8 for any employer to interfere with, restrain, or deny
9 the exercise of, or the attempt to exercise, any right
10 provided under this Act, including—

11 (A) discharging or discriminating against
12 (including retaliating against) any individual,
13 including a job applicant, for exercising, or at-
14 tempting to exercise, any right provided under
15 this Act;

16 (B) using the taking of paid sick time or
17 unpaid sick time under this Act as a negative
18 factor in an employment action, such as hiring,
19 promotion, reducing hours or number of shifts,
20 or a disciplinary action; or

21 (C) counting the paid sick time or unpaid
22 sick time under a no-fault attendance policy or
23 any other absence-control policy.

24 (2) DISCRIMINATION.—It shall be unlawful for
25 any employer to discharge or in any other manner

1 discriminate against (including retaliating against)
2 any individual, including a job applicant, for oppos-
3 ing any practice made unlawful by this Act.

4 (b) INTERFERENCE WITH PROCEEDINGS OR INQUIR-
5 IES.—It shall be unlawful for any person to discharge or
6 in any other manner discriminate against (including retali-
7 ating against) any individual, including a job applicant,
8 because such individual—

9 (1) has filed an action, or has instituted or
10 caused to be instituted any proceeding, under or re-
11 lated to this Act;

12 (2) has given, or is about to give, any informa-
13 tion in connection with any inquiry or proceeding re-
14 lating to any right provided under this Act; or

15 (3) has testified, or is about to testify, in any
16 inquiry or proceeding relating to any right provided
17 under this Act.

18 (c) CONSTRUCTION.—Nothing in this section shall be
19 construed to state or imply that the scope of the activities
20 prohibited by section 105 of the Family and Medical Leave
21 Act of 1993 (29 U.S.C. 2615) is less than the scope of
22 the activities prohibited by this section.

23 **SEC. 6. ENFORCEMENT AUTHORITY.**

24 (a) IN GENERAL.—

25 (1) DEFINITION.—In this subsection—

1 (A) the term “employee” means an em-
2 ployee described in subparagraph (A) or (B) of
3 section 2(5); and

4 (B) the term “employer” means an em-
5 ployer described in subclause (I) or (II) of sec-
6 tion 2(6)(A)(i).

7 (2) INVESTIGATIVE AUTHORITY.—

8 (A) IN GENERAL.—To ensure compliance
9 with the provisions of this Act, or any regula-
10 tion or order issued under this Act, the Sec-
11 retary shall have, subject to subparagraph (C),
12 the investigative authority provided under sec-
13 tion 11(a) of the Fair Labor Standards Act of
14 1938 (29 U.S.C. 211(a)), with respect to em-
15 ployers, employees, and other individuals af-
16 fected by an employer.

17 (B) OBLIGATION TO KEEP AND PRESERVE
18 RECORDS.—An employer shall make, keep, and
19 preserve records pertaining to compliance with
20 this Act in accordance with section 11(c) of the
21 Fair Labor Standards Act of 1938 (29 U.S.C.
22 211(c)) and in accordance with regulations pre-
23 scribed by the Secretary.

24 (C) REQUIRED SUBMISSIONS GENERALLY
25 LIMITED TO AN ANNUAL BASIS.—The Secretary

1 shall not require, under the authority of this
2 paragraph, an employer to submit to the Sec-
3 retary any books or records more than once
4 during any 12-month period, unless the Sec-
5 retary has reasonable cause to believe there
6 may exist a violation of this Act or any regula-
7 tion or order issued pursuant to this Act, or is
8 investigating a charge pursuant to paragraph
9 (4).

10 (D) SUBPOENA AUTHORITY.—For the pur-
11 poses of any investigation provided for in this
12 paragraph, the Secretary shall have the sub-
13 poena authority provided for under section 9 of
14 the Fair Labor Standards Act of 1938 (29
15 U.S.C. 209).

16 (3) CIVIL ACTION BY EMPLOYEES OR INDIVID-
17 UALS.—

18 (A) RIGHT OF ACTION.—An action to re-
19 cover the damages or equitable relief prescribed
20 in subparagraph (B) may be maintained
21 against any employer in any Federal or State
22 court of competent jurisdiction by an employee
23 or individual or a representative for and on be-
24 half of—

25 (i) the employee or individual; or

1 (ii) the employee or individual and
2 others similarly situated.

3 (B) LIABILITY.—Any employer who vio-
4 lates section 5 (including a violation relating to
5 rights provided under section 3) shall be liable
6 to any employee or individual affected—

7 (i) for damages equal to—

8 (I) the amount of—

9 (aa) any wages, salary, em-
10 ployment benefits, or other com-
11 pensation denied or lost by rea-
12 son of the violation; or

13 (bb) in a case in which
14 wages, salary, employment bene-
15 fits, or other compensation have
16 not been denied or lost, any ac-
17 tual monetary losses sustained as
18 a direct result of the violation up
19 to a sum equal to 56 hours of
20 wages or salary for the employee
21 or individual;

22 (II) the interest on the amount
23 described in subclause (I) calculated
24 at the prevailing rate; and

1 (III) an additional amount as liq-
2 uidated damages; and

3 (ii) for such equitable relief as may be
4 appropriate, including employment, rein-
5 statement, and promotion.

6 (C) FEES AND COSTS.—The court in an
7 action under this paragraph shall, in addition to
8 any judgment awarded to the plaintiff, allow a
9 reasonable attorney’s fee, reasonable expert wit-
10 ness fees, and other costs of the action to be
11 paid by the defendant.

12 (4) ACTION BY THE SECRETARY.—

13 (A) ADMINISTRATIVE ACTION.—The Sec-
14 retary shall receive, investigate, and attempt to
15 resolve complaints of violations of section 5 (in-
16 cluding a violation relating to rights provided
17 under section 3) in the same manner that the
18 Secretary receives, investigates, and attempts to
19 resolve complaints of violations of sections 6
20 and 7 of the Fair Labor Standards Act of 1938
21 (29 U.S.C. 206 and 207).

22 (B) CIVIL ACTION.—The Secretary may
23 bring an action in any court of competent juris-
24 diction to recover the damages described in
25 paragraph (3)(B)(i).

1 (C) SUMS RECOVERED.—Any sums recov-
2 ered by the Secretary pursuant to subparagraph
3 (B) shall be held in a special deposit account
4 and shall be paid, on order of the Secretary, di-
5 rectly to each employee or individual affected.
6 Any such sums not paid to an employee or indi-
7 vidual affected because of inability to do so
8 within a period of 3 years shall be deposited
9 into the Treasury of the United States as mis-
10 cellaneous receipts.

11 (5) LIMITATION.—

12 (A) IN GENERAL.—Except as provided in
13 subparagraph (B), an action may be brought
14 under paragraph (3), (4), or (6) not later than
15 2 years after the date of the last event consti-
16 tuting the alleged violation for which the action
17 is brought.

18 (B) WILLFUL VIOLATION.—In the case of
19 an action brought for a willful violation of sec-
20 tion 5 (including a willful violation relating to
21 rights provided under section 3), such action
22 may be brought not later than 3 years after of
23 the last event constituting the alleged violation
24 for which such action is brought.

1 (C) COMMENCEMENT.—In determining
2 when an action is commenced under paragraph
3 (3), (4), or (6) for the purposes of this para-
4 graph, it shall be considered to be commenced
5 on the date when the complaint is filed.

6 (6) ACTION FOR INJUNCTION BY SECRETARY.—
7 The district courts of the United States shall have
8 jurisdiction, for cause shown, in an action brought
9 by the Secretary—

10 (A) to restrain violations of section 5 (in-
11 cluding a violation relating to rights provided
12 under section 3), including the restraint of any
13 withholding of payment of wages, salary, em-
14 ployment benefits, or other compensation, plus
15 interest, found by the court to be due to em-
16 ployees or individuals eligible under this Act; or

17 (B) to award such other equitable relief as
18 may be appropriate, including employment, re-
19 instatement, and promotion.

20 (7) SOLICITOR OF LABOR.—The Solicitor of
21 Labor may appear for and represent the Secretary
22 on any litigation brought under paragraph (4) or
23 (6).

24 (8) GOVERNMENT ACCOUNTABILITY OFFICE
25 AND LIBRARY OF CONGRESS.—Notwithstanding any

1 other provision of this subsection, in the case of the
2 Government Accountability Office and the Library of
3 Congress, the authority of the Secretary of Labor
4 under this subsection shall be exercised respectively
5 by the Comptroller General of the United States and
6 the Librarian of Congress.

7 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
8 COUNTABILITY ACT OF 1995.—The powers, remedies, and
9 procedures provided in the Congressional Accountability
10 Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as de-
11 fined in section 101 of that Act (2 U.S.C. 1301)), or any
12 person, alleging a violation of section 202(a)(1) of that
13 Act (2 U.S.C. 1312(a)(1)) shall be the powers, remedies,
14 and procedures this Act provides to that Board, or any
15 person, alleging an unlawful employment practice in viola-
16 tion of this Act against an employee described in section
17 2(5)(C).

18 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
19 3, UNITED STATES CODE.—The powers, remedies, and
20 procedures provided in chapter 5 of title 3, United States
21 Code, to the President, the Merit Systems Protection
22 Board, or any person, alleging a violation of section
23 412(a)(1) of that title, shall be the powers, remedies, and
24 procedures this Act provides to the President, that Board,
25 or any person, respectively, alleging an unlawful employ-

1 ment practice in violation of this Act against an employee
2 described in section 2(5)(D).

3 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE
4 5, UNITED STATES CODE.—The powers, remedies, and
5 procedures provided in title 5, United States Code, to an
6 employing agency, provided in chapter 12 of that title to
7 the Merit Systems Protection Board, or provided in that
8 title to any person, alleging a violation of chapter 63 of
9 that title, shall be the powers, remedies, and procedures
10 this Act provides to that agency, that Board, or any per-
11 son, respectively, alleging an unlawful employment prac-
12 tice in violation of this Act against an employee described
13 in section 2(5)(E).

14 (e) REMEDIES FOR STATE EMPLOYEES.—

15 (1) WAIVER OF SOVEREIGN IMMUNITY.—A
16 State’s receipt or use of Federal financial assistance
17 for any program or activity of a State shall con-
18 stitute a waiver of sovereign immunity, under the
19 11th Amendment to the Constitution or otherwise,
20 to a suit brought by an employee of that program
21 or activity under this Act for equitable, legal, or
22 other relief authorized under this Act.

23 (2) OFFICIAL CAPACITY.—An official of a State
24 may be sued in the official capacity of the official by
25 any employee who has complied with the procedures

1 under subsection (a)(3), for injunctive relief that is
2 authorized under this Act. In such a suit the court
3 may award to the prevailing party those costs au-
4 thorized by section 722 of the Revised Statutes (42
5 U.S.C. 1988).

6 (3) **APPLICABILITY.**—With respect to a par-
7 ticular program or activity, paragraph (1) applies to
8 conduct occurring on or after the day, after the date
9 of enactment of this Act, on which a State first re-
10 ceives or uses Federal financial assistance for that
11 program or activity.

12 (4) **DEFINITION OF PROGRAM OR ACTIVITY.**—In
13 this subsection, the term “program or activity” has
14 the meaning given the term in section 606 of the
15 Civil Rights Act of 1964 (42 U.S.C. 2000d–4a).

16 **SEC. 7. EDUCATION AND OUTREACH.**

17 (a) **IN GENERAL.**—The Secretary may conduct a
18 public awareness campaign to educate and inform the pub-
19 lic of the requirements for paid sick time required by this
20 Act.

21 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is
22 authorized to be appropriated to the Secretary such sums
23 as may be necessary to carry out such campaign.

1 **SEC. 8. COLLECTION OF DATA ON PAID SICK TIME AND**
2 **FURTHER STUDY.**

3 (a) COMPILATION OF INFORMATION.—The Commis-
4 sioner of Labor Statistics of the Department of Labor
5 shall annually compile and report to the Comptroller Gen-
6 eral of the United States information on—

7 (1) the amount of paid and unpaid sick time
8 available to employees by occupation and type of em-
9 ployment establishment; and

10 (2) an estimate of the average sick time used
11 by employees according to occupation and the type
12 of employment establishment.

13 (b) GAO STUDY.—

14 (1) IN GENERAL.—Not later than 5 years after
15 the date of enactment of this Act, the Comptroller
16 General of the United States shall conduct a study
17 to evaluate the implementation of this Act. Such
18 study shall include an estimation of employees' ac-
19 cess to paid sick time, employees' awareness of their
20 rights under this Act, and employers' experiences
21 complying with this Act. Such study shall take into
22 account access, awareness and experiences of em-
23 ployees by race, ethnicity, gender, and occupation.

24 (2) REPORT.—Upon completion of the study re-
25 quired by paragraph (1), the Comptroller General of
26 the United States shall prepare and submit a report

1 to the appropriate committees of Congress con-
2 cerning the results of the study and the information
3 compiled pursuant to subsection (a).

4 (c) REPORT ON RAIL CARRIER ENFORCEMENT.—Not
5 later than 3 years after the date of enactment of this Act,
6 the Secretary shall submit a report to Congress on any
7 action by the Secretary under section 6(a) with respect
8 to employers described in section 2(6)(B)(i)(V) providing
9 paid sick time to employees described in section
10 2(5)(A)(iii).

11 **SEC. 9. EFFECT ON OTHER LAWS.**

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

19 (b) STATE AND LOCAL LAWS.—Nothing in this Act
20 shall be construed to supersede (including preempting)
21 any provision of any State or local law that provides great-
22 er paid sick time or leave rights (including greater
23 amounts of paid sick time or leave or greater coverage of
24 those eligible for paid sick time or leave) than the rights
25 established under this Act.

1 **SEC. 10. EFFECT ON EXISTING EMPLOYMENT BENEFITS.**

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

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

12 **SEC. 11. ENCOURAGEMENT OF MORE GENEROUS LEAVE**
13 **POLICIES.**

14 Nothing in this Act shall be construed to discourage
15 employers from adopting or retaining leave policies more
16 generous than policies that comply with the requirements
17 of this Act.

18 **SEC. 12. REGULATIONS.**

19 (a) IN GENERAL.—

20 (1) AUTHORITY.—Except as provided in para-
21 graph (2), not later than 180 days after the date of
22 enactment of this Act, the Secretary shall prescribe
23 such regulations as are necessary to carry out this
24 Act with respect to employees described in subpara-
25 graph (A) or (B) of section 2(5) and other individ-

1 uals affected by employers described in subclause (I)
2 or (II) of section 2(6)(A)(i).

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

12 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
13 COUNTABILITY ACT OF 1995.—

14 (1) AUTHORITY.—Not later than 90 days after
15 the Secretary prescribes regulations under sub-
16 section (a), the Board of Directors of the Office of
17 Compliance shall prescribe (in accordance with sec-
18 tion 304 of the Congressional Accountability Act of
19 1995 (2 U.S.C. 1384)) such regulations as are nec-
20 essary to carry out this Act with respect to employ-
21 ees described in section 2(5)(C) and other individ-
22 uals affected by employers described in section
23 2(6)(A)(i)(III).

24 (2) AGENCY REGULATIONS.—The regulations
25 prescribed under paragraph (1) shall be the same as

1 substantive regulations promulgated by the Sec-
2 retary to carry out this Act except insofar as the
3 Board may determine, for good cause shown and
4 stated together with the regulations prescribed
5 under paragraph (1), that a modification of such
6 regulations would be more effective for the imple-
7 mentation of the rights and protections involved
8 under this section.

9 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
10 3, UNITED STATES CODE.—

11 (1) AUTHORITY.—Not later than 90 days after
12 the Secretary prescribes regulations under sub-
13 section (a), the President (or the designee of the
14 President) shall prescribe such regulations as are
15 necessary to carry out this Act with respect to em-
16 ployees described in section 2(5)(D) and other indi-
17 viduals affected by employers described in section
18 2(6)(A)(i)(IV).

19 (2) AGENCY REGULATIONS.—The regulations
20 prescribed under paragraph (1) shall be the same as
21 substantive regulations promulgated by the Sec-
22 retary to carry out this Act except insofar as the
23 President (or designee) may determine, for good
24 cause shown and stated together with the regula-
25 tions prescribed under paragraph (1), that a modi-

1 fication of such regulations would be more effective
2 for the implementation of the rights and protections
3 involved under this section.

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

6 (1) AUTHORITY.—Not later than 90 days after
7 the Secretary prescribes regulations under sub-
8 section (a), the Director of the Office of Personnel
9 Management shall prescribe such regulations as are
10 necessary to carry out this Act with respect to em-
11 ployees described in section 2(5)(E) and other indi-
12 viduals affected by employers described in section
13 2(6)(A)(i)(V).

14 (2) AGENCY REGULATIONS.—The regulations
15 prescribed under paragraph (1) shall be the same as
16 substantive regulations promulgated by the Sec-
17 retary to carry out this Act except insofar as the Di-
18 rector may determine, for good cause shown and
19 stated together with the regulations prescribed
20 under paragraph (1), that a modification of such
21 regulations would be more effective for the imple-
22 mentation of the rights and protections involved
23 under this section.

1 **SEC. 13. EFFECTIVE DATES.**

2 (a) EFFECTIVE DATE.—This Act shall take effect 6
3 months after the date of issuance of regulations under sec-
4 tion 12(a)(1).

5 (b) COLLECTIVE BARGAINING AGREEMENTS.—In the
6 case of a collective bargaining agreement in effect on the
7 effective date prescribed by subsection (a), this Act shall
8 take effect on the earlier of—

9 (1) the date of the termination of such agree-
10 ment;

11 (2) the date of any amendment, made on or
12 after such effective date, to such agreement; or

13 (3) the date that occurs 18 months after the
14 date of issuance of regulations under section
15 12(a)(1).

○