

119TH CONGRESS
1ST SESSION

H. R. 4763

To require employers to provide paid annual leave to employees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2025

Mr. MAGAZINER (for himself, Ms. ADAMS, Ms. BUDZINSKI, Mr. CARSON, Mr. CASAR, Mr. CLEAVER, Ms. CROCKETT, Mr. DAVIS of Illinois, Mr. DELUZIO, Mrs. DINGELL, Mr. EVANS of Pennsylvania, Mr. FIELDS, Mr. FROST, Mr. GARCIA of California, Ms. GARCIA of Texas, Mr. GARCÍA of Illinois, Mr. GOLDMAN of New York, Mr. GOMEZ, Mrs. HAYES, Ms. NORTON, Ms. HOYLE of Oregon, Ms. JAYAPAL, Mr. KHANNA, Mr. KRISHNAMOORTHY, Mr. LYNCH, Mr. MCGOVERN, Mr. MENENDEZ, Ms. MENG, Mr. MULLIN, Mr. NADLER, Mr. NEGUSE, Ms. OCASIO-CORTEZ, Ms. OMAR, Mr. POCAN, Mrs. RAMIREZ, Ms. SÁNCHEZ, Ms. SCHAKOWSKY, Ms. STANSBURY, Ms. TITUS, Ms. TLAIB, Mrs. WATSON COLEMAN, Ms. WILLIAMS of Georgia, and Mr. TONKO) introduced the following bill; which was referred to the Committee on Education and Workforce, and in addition to the Committees on House Administration, Oversight and Government Reform, the Judiciary, and Transportation and Infrastructure, 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 require employers to provide paid annual leave to employees, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protected Time Off
3 Act” or the “PTO Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

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

15 (2) **COVERED EMPLOYEE.**—The term “covered
16 employee” means an individual who is—

17 (A)(i) an employee who is not covered
18 under any other provision of this paragraph, ex-
19 cept that a reference in such section to an em-
20 ployer shall be considered a reference to an em-
21 ployer described in paragraph (3)(A)(i)(I);

22 (ii) an employee of the Government
23 Accountability Office; or

24 (iii) an employee of a covered em-
25 ployer described in paragraph
26 (3)(B)(i)(IV);

1 (B) a State employee described in section
2 304(a) of the Government Employee Rights Act
3 of 1991 (42 U.S.C. 2000e–16c(a)), other than
4 an applicant for employment;

5 (C) a covered employee (as defined in sec-
6 tion 411(c) of title 3, United States Code);

7 (D) a covered employee (as defined in sec-
8 tion 101 of the Congressional Accountability
9 Act of 1995 (2 U.S.C. 1301)), other than an
10 applicant for employment; or

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

15 (3) EMPLOYER.—

16 (A) IN GENERAL.—The term “employer”
17 means any person who is—

18 (i)(I) a covered employer who is not
19 described in any other subclause of this
20 clause;

21 (II) an entity employing a State em-
22 ployee described in section 304(a) of the
23 Government Employee Rights Act of 1991;

1 (III) an employing office, as defined
2 in section 101 of the Congressional Ac-
3 countability Act of 1995;

4 (IV) an employing office, as defined in
5 section 411(c) of title 3, United States
6 Code; or

7 (V) an employing agency covered
8 under subchapter V of chapter 63 of title
9 5, United States Code; and

10 (ii) engaged in commerce (including gov-
11 ernment), or any industry or activity affecting
12 commerce (including government).

13 (B) COVERED EMPLOYER.—

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

16 (I) means any person engaged in
17 commerce or in any industry or activ-
18 ity affecting commerce who employs 1
19 or more employees for each working
20 day during each of 20 or more cal-
21 endar workweeks in the current or
22 preceding year;

23 (II) includes the Government Ac-
24 countability Office and the Library of
25 Congress;

1 (III) includes—

2 (aa) any person who acts,
3 directly or indirectly, in the inter-
4 est of an employer covered by
5 this clause to any of the employ-
6 ees of such employer; and

7 (bb) any successor in inter-
8 est of such an employer; and

9 (IV) includes any carrier (as such
10 term is defined in section 1 of the
11 Railway Labor Act (45 U.S.C. 151))
12 and any carrier by air (as described in
13 section 201 of such Act (45 U.S.C.
14 181)).

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

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

1 (4) FLSA DEFINITIONS.—The terms “employ”,
2 “employee”, “person”, and “State” have the mean-
3 ings given the terms in section 3 of the Fair Labor
4 Standards Act of 1938 (29 U.S.C. 203).

5 (5) PAID ANNUAL LEAVE.—The term “paid an-
6 nual leave”—

7 (A) means paid vacation leave and paid
8 personal leave provided to an employee by the
9 employer of such employee to be used during
10 period in which the employee would otherwise
11 work; and

12 (B) does not include—

13 (i) paid or unpaid family and medical
14 leave provided by the employer or required
15 by Federal, State, or local law;

16 (ii) leave provided under the Family
17 and Medical Leave Act of 1993 (29 U.S.C.
18 2601, et seq.);

19 (iii) sick leave provided by the em-
20 ployer or required by Federal, State, or
21 local law;

22 (iv) bereavement leave provided by the
23 employer or required by Federal, State or
24 local law;

1 (v) leave provided by the employer or
2 required by Federal State, or local law for
3 purposes related to adoption or fostering of
4 a child;

5 (vi) leave related to domestic violence,
6 sexual assault, or stalking provided by the
7 employer or required by Federal, State, or
8 local law;

9 (vii) leave provided by the employer or
10 required by Federal, State, or local law
11 with respect to a public health emergency;

12 (viii) absence or paid leave under
13 workers' compensation or a disability plan;

14 (ix) leave provided by the employer or
15 leave required to be provided by Federal,
16 State, or local law for holidays established
17 by Federal, State, or local law; or

18 (x) leave provided by the employer or
19 required by Federal, State, or local law for
20 jury duty, civic duty, or to vote.

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

24 (7) SECRETARY.—Unless otherwise specified,
25 the term “Secretary” means the Secretary of Labor.

1 **SEC. 3. EARNED ANNUAL LEAVE.**

2 (a) **EARNING OF PAID ANNUAL LEAVE.**—

3 (1) **EARNING OF ANNUAL LEAVE.**—An employer
4 shall provide each employee employed by the em-
5 ployer not less than 1 hour of paid annual leave for
6 every 25 hours worked.

7 (2) **LIMITATION.**—

8 (A) **IN GENERAL.**—For purposes of com-
9 plying with paragraph (1), an employer may
10 not be required to provide more than 80 hours
11 of paid annual leave to an employee during any
12 12-month period.

13 (B) **RULE OF CONSTRUCTION.**—Nothing in
14 this section may be construed to preclude an
15 employer from providing more than 80 hours of
16 paid annual leave.

17 (3) **COMMENCEMENT OF EARNING PAID AN-**
18 **NUAL LEAVE.**—An employee shall begin to earn paid
19 annual leave at the commencement of employment of
20 such employee.

21 (4) **OVERTIME EXEMPT EMPLOYEE.**—For pur-
22 poses of this section, where an employer is not re-
23 quired by the Fair Labor Standards Act of 1938 to
24 maintain and preserve records of hours worked be-
25 cause an employee is exempt from minimum wage or
26 overtime requirements under such Act (29 U.S.C.

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

3 (b) USE OF PAID ANNUAL LEAVE.—

4 (1) IN GENERAL.—Paid annual leave may be
5 used by an employee for any reason.

6 (2) TIMING.—Subject to paragraphs (2) and
7 (3) of subsection (c), an employee may use paid an-
8 nual leave earned by the employee as it is accrued.

9 (3) RATE OF COMPENSATION.—

10 (A) IN GENERAL.—An employee using paid
11 annual leave shall be compensated, for the pe-
12 riod that the employee is using such leave, at
13 the regular rate at which the employee would
14 have been paid for such period if the employee
15 were not using paid annual leave.

16 (B) TIPPED EMPLOYEE.—For the pur-
17 poses of subparagraph (A), with respect to a
18 tipped employee (as defined in section 3(t) of
19 the Fair Labor Standards Act of 1938 (29
20 U.S.C. 203(t))), such an employee shall be com-
21 pensated, for the period that such employee is
22 using paid annual leave, at a rate equivalent to
23 the higher of—

24 (i) the Federal minimum wage;

- 1 (ii) the applicable State minimum
2 wage;
3 (iii) the applicable local or municipal
4 minimum wage;
5 (iv) any other wage required by law;
6 or
7 (v) the regular rate at which the em-
8 ployee is employed.

9 (4) LOANING OF ANNUAL LEAVE.—

10 (A) LOANED LEAVE.—An employer may
11 loan paid annual leave to an employee for use
12 by such employee in advance of the employee
13 earning such annual leave.

14 (B) REIMBURSEMENT FOR LOANED
15 LEAVE.—An employer may require an employee
16 of such employer to reimburse the employer for
17 any annual leave loaned under subparagraph
18 (A) that such employee has not earned at the
19 time of separation. Such reimbursement shall
20 be at the rate described in paragraph (3).

21 (5) INCREMENTS OF USE OF PAID ANNUAL
22 LEAVE.—An employer shall allow employees to use
23 paid annual leave in increments of the smaller of—
24 (A) hourly increments; or

1 (B) the smallest increment of time that the
2 employer's payroll system uses to account for
3 absences or use of other time.

4 (6) BENEFITS RETAINED DURING LEAVE.—An
5 employer shall maintain any employment benefits
6 (as defined in section 101(5) of the Family and
7 Medical Leave Act of 1993) provided to an employee
8 during any period in which the employee takes paid
9 annual leave, and such benefits shall be provided in
10 the same manner as if the employee had continued
11 in employment continuously for the duration of such
12 leave.

13 (c) PROCEDURES FOR USE OF PAID ANNUAL
14 LEAVE.—

15 (1) IN GENERAL.—Subject to paragraphs (2)
16 and (3), an employee may use paid annual leave
17 upon the verbal or written request of the employee.

18 (2) EMPLOYEE NOTIFICATION.—

19 (A) EMPLOYEE NOTIFICATION.—An em-
20 ployee shall provide notice to the employer to
21 use paid annual leave.

22 (B) NOTICE DESCRIBED.—The Secretary
23 shall create sample notices for the purpose de-
24 scribed in subparagraph (A).

1 (C) TIMING OF NOTICE.—An employer
2 may not require an employee to provide notice
3 in excess of 2 weeks in advance of the use of
4 such leave.

5 (D) UNFORESEEABLE USE OF LEAVE.—In
6 the case of an unforeseeable use of leave, an
7 employee shall not be required to provide the
8 notice required under subparagraph (A).

9 (3) REASONABLE RESTRICTIONS.—

10 (A) IN GENERAL.—An employer may place
11 limited, reasonable restrictions for the sched-
12 uling of paid annual leave for a bona fide busi-
13 ness reason and may reject a scheduling request
14 for such leave for a bona fide business reason,
15 so long as the employer—

16 (i) provides other reasonable alter-
17 native times, as described in subparagraph
18 (B), for the employee to schedule such
19 leave; and

20 (ii) and complies with the notice re-
21 quirement described in subparagraph (C).

22 (B) REASONABLE ALTERNATIVES.—A rea-
23 sonable alternative time described in this sub-
24 paragraph is a date other than the date the em-

1 employee requested to use paid annual leave that
2 is within 30 days of such date.

3 (C) DENIAL NOTICE.—In the case that an
4 employer denies a request of an employee to use
5 paid annual leave, the employer shall, not later
6 than 5 business days after the day the employee
7 made such request, provide to the employee a
8 written notice—

9 (i) detailing the bona fide business
10 reason for such denial; and

11 (ii) that provides the reasonable alter-
12 native time described in subparagraph (B).

13 (D) CAN NOT PREVENT USE OF EXPIRING
14 LEAVE.—Such reasonable alternative time may
15 not be offered to prevent the use of paid annual
16 leave that is set to expire.

17 (4) PURPOSE OF USE OF PAID ANNUAL
18 LEAVE.—An employer may not require an employee
19 to disclose the purpose or reason for which the em-
20 ployee is using paid annual leave.

21 (5) CARRYOVER.—An employer shall permit an
22 employee of such employer to carry over up to 40
23 hours of any accrued and unused paid annual leave
24 to the following 12-month period.

1 (6) PROHIBITION ON FINDING COVER.—An em-
2 ployer may not require, as a condition of taking paid
3 annual leave, that an employee search for or find a
4 replacement employee to cover the hours during
5 which the employee is using such annual leave.

6 (7) GUIDANCE.—Not later than 180 after the
7 date of enactment of this Act, the Secretary shall
8 provide guidance to employers on compliance with
9 paragraph (3), including defining the terms limited
10 reasonable restriction, a bona fide business reason,
11 and a reasonable alternative time.

12 (d) PROCEDURES REGARDING LEAVE FOR EM-
13 PLOYEE SEPARATION.—

14 (1) COMPENSATION.—In the case that an em-
15 ployee separates from an employer and such em-
16 ployee has unused paid annual leave, the employer
17 shall provide financial compensation at a rate that
18 is the higher of—

19 (A) the average regular rate received by
20 such employee during the last 3 years of the
21 employee's employment; or

22 (B) the final regular rate received by the
23 employee.

24 (2) REINSTATEMENT.—If an employee sepa-
25 rates from employment with an employer and is re-

1 hired within 12 months after that separation by the
2 same employer—

3 (A) in the case that the employee had paid
4 annual leave in excess of 80 hours that was not
5 compensated under paragraph (1), the employer
6 shall reinstate such leave for the employee; and

7 (B) the employee shall be entitled to use
8 such leave and earn additional paid annual
9 leave at the recommencement of employment
10 with the employer.

11 **SEC. 4. EMPLOYER NOTICE AND SYSTEM REQUIREMENTS.**

12 (a) NOTICE REQUIREMENT.—An employer shall no-
13 tify each employee about the paid annual leave policy of
14 such employer, which shall include the information de-
15 scribed in subsection (b), by—

16 (1) providing such information, in writing, to
17 each employee on or before the first day of employ-
18 ment of such employee;

19 (2) including such information in any employee
20 handbook; and

21 (3) posting a notice containing such informa-
22 tion in a physical conspicuous place on the premises
23 of the employer or a virtual conspicuous place, where
24 notices to employees are customarily posted.

1 (b) CONTENTS.—The information provided pursuant
2 to subsection (a) shall include—

3 (1) any paid annual leave policy of such em-
4 ployer, including any paid annual leave policy that
5 provides paid annual leave in excess of the require-
6 ments of this Act;

7 (2) information pertaining to the filing of an
8 action under section 6;

9 (3) details of any notice requirement the em-
10 ployer may require, as described in section 3(c)(2);
11 and

12 (4) information regarding—

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

15 (B) how the employee can contact the Sec-
16 retary (or other appropriate authority as de-
17 scribed in section 6) if any such rights are vio-
18 lated.

19 (c) SYSTEM REQUIREMENT.—An employer shall es-
20 tablish a system, such as through an online portal, written
21 request, or through pay stubs, to inform each employee
22 of the employer how much paid annual leave each em-
23 ployee has earned.

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

2 (a) INTERFERENCE WITH RIGHTS.—It shall be un-
3 lawful for any employer to—

4 (1) violate any provision of section 3 or 4;

5 (2) discharge or discriminate against (including
6 to retaliate against) any individual, including a job
7 applicant, for exercising, or attempting to exercise,
8 any right provided under this Act;

9 (3) use the taking of paid annual leave provided
10 under this Act as a negative factor in an employ-
11 ment action, such as hiring, promotion, reducing
12 hours or numbers of shifts, or a disciplinary action;
13 or

14 (4) count the use of such leave under a no-fault
15 attendance policy or any other absence-control pol-
16 icy.

17 (b) INTERFERENCE WITH PROCEEDINGS OR INQUIR-
18 IES.—It shall be unlawful for any person to discharge or
19 in any other manner discriminate against (including retali-
20 ating against) any individual, including a job applicant,
21 because such individual—

22 (1) has filed an action under section 6, or has
23 instituted or caused to be instituted any proceeding,
24 under this Act;

1 (2) has given, or intends to give, any informa-
 2 tion in connection with any inquiry or proceeding re-
 3 lating to any right provided under this Act; or

4 (3) has testified, or intends to testify, in any in-
 5 quiry or proceeding relating to any right provided
 6 under this Act.

7 (c) IMPERMISSIBLE CONSIDERATION.—A violation of
 8 subsection (a) or (b) shall be established when a com-
 9 plaining party demonstrates that any action described in
 10 paragraphs (1), (2), or (3) of subsections (a) or (b) was
 11 a motivating factor in any such action taken against the
 12 complaining party, even though other factors also moti-
 13 vated the action.

14 **SEC. 6. ENFORCEMENT AND INVESTIGATIVE AUTHORITY.**

15 (a) IN GENERAL.—

16 (1) DEFINITION.—In this subsection—

17 (A) the term “employee” means a covered
 18 employee described in subparagraph (A), (B),
 19 or (C) of section 2(2); and

20 (B) the term “employer” means an em-
 21 ployer described in subclauses (I) or (II) of sec-
 22 tion 2(3)(A)(i).

23 (2) INVESTIGATIVE AUTHORITY.—

24 (A) IN GENERAL.—To ensure compliance
 25 with this Act, or any regulation or order issued

1 under this Act, the Secretary shall have, subject
2 to subparagraph (C), the investigative authority
3 provided under section 11(a) of the Fair Labor
4 Standards Act of 1938 (29 U.S.C. 211(a)),
5 with respect to employers, employees, and other
6 individuals affected by an employer.

7 (B) OBLIGATION TO KEEP AND PRESERVE
8 RECORDS.—An employer shall make, keep, and
9 preserve records pertaining to compliance with
10 this Act in accordance with section 11(c) of the
11 Fair Labor Standards Act of 1938 (29 U.S.C.
12 211(c)) and in accordance with regulations pre-
13 scribed by the Secretary.

14 (C) REQUIRED SUBMISSIONS GENERALLY
15 LIMITED TO AN ANNUAL BASIS.—The Secretary
16 may not require an employer to submit to the
17 Secretary any books or records more than once
18 during any 12-month period, unless the Sec-
19 retary has reasonable cause to believe there
20 may exist a violation of this act or any regula-
21 tion or order issued pursuant to this Act, or is
22 investigating a charge pursuant to paragraph
23 (4).

24 (D) SUBPOENA AUTHORITY.—For the pur-
25 poses of any investigation provided for in this

1 paragraph, the Secretary shall have the sub-
2 poena authority provided for under section 9 of
3 the Fair Labor Standards Act of 1938 (29
4 U.S.C. 209).

5 (3) PRIVATE RIGHT OF ACTION.—

6 (A) IN GENERAL.—An action to recover
7 damages or equitable relief prescribed in sub-
8 paragraph (B) may be maintained against any
9 employer in any Federal or State court of com-
10 petent jurisdiction by an employee or individual
11 or a representative for and on behalf of—

12 (i) the employee or individual; or

13 (ii) the employee or individual and
14 others similarly situated.

15 (B) LIABILITY.—Any employer who vio-
16 lates section 5 shall be liable to any employee
17 or individual affected—

18 (i) for damages equal to—

19 (I) the amount of—

20 (aa) any wages, salary, em-
21 ployment benefits, or other com-
22 pensation denied or lost by rea-
23 son of the violation; or

24 (bb) in a case in which
25 wages, salary, employment bene-

1 fits, or other compensation have
2 not been denied or lost, any ac-
3 tual monetary losses sustained as
4 a direct result of the violation up
5 to a sum equal to 80 hours of
6 wages or salary for the employee
7 or individual;

8 (II) the interest on the amount
9 described in subclause (I) calculated
10 at the prevailing rate; and

11 (III) an additional amount as liq-
12 uidated damages; and

13 (ii) for such equitable relief as may be
14 appropriate, including employment, rein-
15 statement, and promotion.

16 (C) FEES AND COSTS.—The court in an
17 action under this subsection shall, in addition to
18 any judgment awarded to the plaintiff, allow a
19 reasonable attorney's fee, reasonable expert wit-
20 ness fees, and other costs to be paid by the de-
21 fendant.

22 (D) LIMITATIONS.—

23 (i) IN GENERAL.—Except as provided
24 in subparagraph (B), an action may be
25 brought under paragraph (2) or (3) not

1 more than 2 years after the date of the
2 last event constituting the alleged violation
3 for which the action is brought.

4 (ii) WILLFUL VIOLATION.—In the
5 case of an action brought for a willful vio-
6 lation of section 5 (including a willful vio-
7 lation relating to rights provided under
8 section 3), such action may be brought not
9 more than 3 years after the last event con-
10 stituting the alleged violation for which
11 such action is brought.

12 (iii) COMMENCEMENT.—In deter-
13 mining when an action is commenced
14 under paragraph (2) or (3) for the pur-
15 poses of this subsection, the action shall be
16 considered to be commenced on the date
17 when the complaint is filed.

18 (4) ACTIONS BY THE SECRETARY.—

19 (A) ADMINISTRATIVE ACTIONS.—The Sec-
20 retary shall receive, investigate, and attempt to
21 resolve complaints of violations of section 5 in
22 the same manner that the Secretary receives,
23 investigates, and attempts to resolve complaints
24 of violations of sections 6 and 7 of the Fair

1 Labor Standards Act of 1938 (29 U.S.C. 206
2 and 207).

3 (B) CIVIL ACTION.—The Secretary may
4 bring an action in any court of competent juris-
5 diction to recover the damages described in sub-
6 section (a)(3)(B).

7 (C) SUMS RECOVERED.—Any sums recov-
8 ered by the Secretary pursuant to subparagraph
9 (B) shall be held in a special deposit account
10 and shall be paid, on order of the Secretary, di-
11 rectly to each employee or individual affected.
12 Any sums not paid to an employee or individual
13 affected because of the inability to do so within
14 a period of 3 years shall be deposited into the
15 Treasury of the United States as miscellaneous
16 receipts.

17 (D) ACTION FOR INJUNCTION BY SEC-
18 RETARY.—The district courts of the United
19 States shall have jurisdiction, for cause shown,
20 in an action brought by the Secretary—

21 (i) to restrain violations of section 5
22 (including a violation relating to rights
23 provided under section 3), including the re-
24 straint of any withholding of wages, salary,
25 employment benefits, or other compensa-

tion, plus interest, found by the court to be due to employees or individuals eligible under this Act; or

(ii) to award such other equitable relief as may be appropriate, including employment, reinstatements, and promotion.

(E) SOLICITOR OF LABOR.—The Solicitor of Labor may appear for and represent the Secretary on any litigation brought under this subsection.

(b) GOVERNMENT ACCOUNTABILITY OFFICE AND LIBRARY OF CONGRESS.—Notwithstanding any other provision of this section, in the case of the Government Accountability Office and the Library of Congress, the authority of the Secretary under this subsection shall be exercised respectively by the Comptroller General of the United States and the Librarian of Congress.

(c) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—The powers, remedies, and procedures provided in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as defined in section 101 of that Act (2 U.S.C. 1301)), or any person, alleging a violation of section 202(a)(1) of that Act (2 U.S.C. 1312(a)(1)) shall be the powers, remedies, and procedures this Act provides to that Board, or any

1 person, alleging an unlawful employment practice in viola-
2 tion of this Act against an employee described in section
3 2(2)(D).

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

15 (e) REMEDIES FOR STATE EMPLOYEES.—

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

24 (2) OFFICIAL CAPACITY.—An official of a State
25 may be sued in the official capacity of the official by

any employee who has complied with the procedures of subsection (a)(3), for injunctive relief that is authorized under this Act. In such a suit, the court may award to the prevailing party those costs authorized by section 722 of the Revised Statutes (42 U.S.C. 1988).

(3) APPLICABILITY.—With respect to a particular program or activity, paragraph (1) applies to conduct occurring on or after the day, after the date of enactment of this Act, on which a State first receives or uses Federal financial assistance for that program or activity.

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

(f) COLLECTIVE BARGAINING AGREEMENT RESOLUTION.—In addition to the enforcement mechanisms set forth in this section, an employee or labor organization may also use a grievance and arbitration procedure of a collective bargaining agreement to enforce collectively bargained provisions relating to paid annual leave.

SEC. 7. EFFECT ON OTHER LAWS AND EXISTING AGREEMENTS.

(a) STATE OR MUNICIPAL LAWS.—

1 (1) GREATER LEAVE RIGHTS.—Nothing in this
2 Act shall be construed to supersede any provision of
3 any State or local law that provides greater paid an-
4 nual leave or other leave rights to employees or indi-
5 viduals than the rights established under this Act.

6 (2) DISTINGUISH BETWEEN TYPES OF
7 LEAVE.—For the purposes of this subsection, a
8 State or municipal law that does not distinguish be-
9 tween time earned for paid annual leave and time
10 earned for sick leave shall be deemed a law that pro-
11 vides lesser paid annual leave or other rights to em-
12 ployees or individuals than the rights established
13 under this Act.

14 (b) MORE PROTECTIVE AGREEMENTS.—Nothing in
15 this Act shall be construed to diminish the obligation of
16 an employer to comply with any contract, collective bar-
17 gaining agreement, or any employment benefit program
18 or plan that provides greater paid annual leave or other
19 leave rights to employees or individuals than the rights
20 established under this Act.

21 (c) LESS PROTECTIVE AGREEMENTS.—The rights es-
22 tablished for employees under this Act shall not be dimin-
23 ished by any contract, collective bargaining agreement, or
24 any employment program or plan.

1 **SEC. 8. AWARENESS CAMPAIGN.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, the Secretary shall carry
4 out a public awareness campaign to inform the public
5 about the paid annual leave established under this Act,
6 which shall include information about—

7 (1) the rights provided to an employee under
8 this Act; and

9 (2) resources available to an employee if the
10 employee believes the rights provided under this act
11 have been violated.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated such sums as are nec-
14 essary to carry out this section.

15 **SEC. 9. EFFECTIVE DATES.**

16 (a) EFFECTIVE DATE.—This Act shall take effect
17 180 days after the date of enactment of this Act.

18 (b) COLLECTIVE BARGAINING AGREEMENTS.—In the
19 case of a collective bargaining agreement in effect on the
20 effective date prescribed under subsection (a), the Act
21 shall take effect on the earlier of—

22 (1) the date of the termination of such agree-
23 ment;

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

- 1 (3) the date that occurs 18 months after such
- 2 effective date.

