

103D CONGRESS
1ST SESSION

H. R. 1309

To amend the Fair Labor Standards Act of 1938 relating to the minimum wage and overtime exemption for employees subject to certain leave policies.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 1993

Mr. ANDREWS of New Jersey (for himself and Mr. PETRI) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Fair Labor Standards Act of 1938 relating to the minimum wage and overtime exemption for employees subject to certain leave policies.

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 “Workplace Leave
5 Fairness Act”.

6 **SEC. 2. EMPLOYEES SUBJECT TO CERTAIN LEAVE POLI-**
7 **CIES.**

8 Section 13(a)(1) (29 U.S.C. 213(a)(1)) is amended
9 by adding before the semicolon at the end the following:
10 “and an employee shall not be disqualified for an exemp-

1 tion under this paragraph on the basis that such employee
2 is subject to reductions—

3 “(A) in accrued leave of any type, or

4 “(B) in pay because of an absence of the
5 employee and because—

6 “(i) such employee’s accrued leave was ex-
7 hausted, or

8 “(ii) such employee chose to be absent
9 without charging the employee’s accrued leave
10 regardless of the length of the leave or absence for which
11 such reductions are to be made”.

12 **SEC. 3. EFFECTIVE DATE.**

13 The amendment made by section 2 shall apply to an
14 employee (described in the amendment) before, on, and
15 after the date of enactment of this Act unless—

16 (1) an action was brought in a court involving
17 the application of section 13(a)(1) of the Fair Labor
18 Standards Act of 1938 (29 U.S.C. 213(a)(1)) to the
19 employee; and

20 (2) a final judgment has been entered in the ac-
21 tion on or before the date of enactment of this Act.

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