

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1354

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

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## IN THE SENATE OF THE UNITED STATES

AUGUST 4 (legislative day, JUNE 30), 1993

Mrs. KASSEBAUM (for herself, Mr. JEFFORDS, Mr. COCHRAN, and Mr. PRESSLER) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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## 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, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Workplace Leave  
5 Fairness Act”.

1 **SEC. 2. EMPLOYEES SUBJECT TO CERTAIN LEAVE**  
2 **POLICIES.**

3 Section 13(a)(1) of the Fair Labor Standards Act of  
4 1938 (29 U.S.C. 213(a)(1)) is amended by adding before  
5 the semicolon at the end the following: “and an employee  
6 shall not be disqualified for an exemption under this para-  
7 graph on the basis that such employee—

8 “(1) is subject to reductions—

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

10 “(B) in pay because of an absence of the  
11 employee and because—

12 “(i) such employee’s accrued leave  
13 was exhausted, or

14 “(ii) such employee chose to be absent  
15 without charging the employee’s accrued  
16 leave

17 regardless of the length of the leave or absence for  
18 which such reductions are to be made, or

19 “(2) is subject to employer management policies  
20 or practices with respect to—

21 “(A) the recording of hours worked,

22 “(B) the establishment of regular working  
23 hours,

24 “(C) compensation of any type irrespective  
25 of amount or method of determination above

1           and beyond the salaried level for a work week  
2           or work period, and

3           “(D) suspension from work without pay  
4           for disciplinary purposes.”.

5 **SEC. 3. EFFECTIVE DATE.**

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

9           (1) an action was brought in a court involving  
10          the application of section 13(a)(1) of the Fair Labor  
11          Standards Act of 1938 (29 U.S.C. 213(a)(1)) to the  
12          employee; and

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

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