

108TH CONGRESS  
2D SESSION

# S. 2520

To provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families.

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## IN THE SENATE OF THE UNITED STATES

JUNE 15, 2004

Mr. KENNEDY (for himself, Mr. CORZINE, Ms. MIKULSKI, Mrs. MURRAY, Mr. DURBIN, Mr. AKAKA, and Mr. FEINGOLD) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To provide for paid sick leave to ensure that Americans 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. FINDINGS.**

6 Congress makes the following findings:

7 (1) Working Americans need to take time off  
8 for their own health care needs or to perform essen-  
9 tial caretaking responsibilities for a wide range of

1 family members, including, among others, their chil-  
2 dren, spouse, parents, and parents-in-law, and other  
3 children and adults for whom they are caretakers.

4 (2) Health care needs include preventive health  
5 care, diagnostic procedures, medical treatment, and  
6 recovery in response to short- and long-term ill-  
7 nesses and injuries.

8 (3) Providing employees time off to tend to  
9 their own health care needs ensures that they will be  
10 healthier in the long run. Preventive care helps avoid  
11 illnesses and injuries and routine medical care helps  
12 detect illnesses early and shorten the duration of ill-  
13 nesses.

14 (4) When parents are available to care for their  
15 children who become sick, the children's recovery is  
16 faster, more serious illnesses are prevented, and the  
17 children's overall mental and physical health is im-  
18 proved. Parents who cannot afford to miss work and  
19 must send children with a contagious illness to child  
20 care or school contribute to the high rate of infec-  
21 tions in child care centers and schools.

22 (5) Routine medical care results in savings by  
23 decreasing medical costs by detecting and treating  
24 illness and injury early, decreasing the need for  
25 emergency care. These savings benefit public and

1 private payers of health insurance, including private  
2 businesses.

3 (6) The provision of individual and family sick  
4 leave by large and small businesses, both here in the  
5 United States and elsewhere, demonstrates that pol-  
6 icy solutions are both feasible and affordable in a  
7 competitive economy. Measures that ensure that em-  
8 ployees are both in good health themselves and do  
9 not need to worry about unmet family health prob-  
10 lems help businesses by promoting productivity and  
11 reducing employee turnover.

12 (7) The absence of sick leave has forced Ameri-  
13 cans to make untenable choices between needed in-  
14 come and jobs on the one hand and caring for their  
15 own and their family's health on the other.

16 (8) The majority of middle income Americans  
17 lack paid leave for self-care or to care for a family  
18 member. Low-income Americans are significantly  
19 worse off. Of the poorest families (the lowest quar-  
20 tile), 76 percent lack regular sick leave. For families  
21 in the next 2 quartiles, 63 percent and 54 percent,  
22 respectively lack regular sick leave. Even in the  
23 highest income quartile, 40 percent of families lack  
24 regular sick leave. Less than 1/2 of workers who have  
25 paid sick leave can use it to care for ill children.

1           (9) It is in the national interest to ensure that  
2 Americans from all demographic groups can care for  
3 their own health and the health of their families  
4 while prospering at work.

5           (10) Due to the nature of the roles of men and  
6 women in society, the primary responsibility for fam-  
7 ily caretaking often falls on women, and such re-  
8 sponsibility affects the working lives of women more  
9 than it affects the working lives of men.

10          (11) Although women are still primarily respon-  
11 sible for family caretaking, an increasing number of  
12 men are taking on caretaking obligations, and men  
13 who request leave time for caretaking purposes are  
14 often penalized because of stereotypes that care-  
15 taking is only “women’s work”.

16          (12) Employers’ reliance on persistent stereo-  
17 types about the “proper” roles of both men and  
18 women in the workplace and in the home hurts both  
19 men and women.

20          (13) Employment standards that apply to only  
21 one gender have serious potential for encouraging  
22 employers to discriminate against employees and ap-  
23 plicants for employment who are of that gender.

24 **SEC. 3. PURPOSES.**

25          The purposes of this Act are—

1           (1) to ensure that all working Americans can  
2 address their own health needs and the health needs  
3 of their families by requiring employers to provide a  
4 minimum level of paid sick leave including leave for  
5 family care;

6           (2) to diminish public and private health care  
7 costs by enabling workers to seek early and routine  
8 medical care for themselves and their family mem-  
9 bers;

10          (3) to accomplish the purposes described in  
11 paragraphs (1) and (2) in a manner that is feasible  
12 for employers;

13          (4) to accomplish the purposes described in  
14 paragraphs (1) and (2) in a manner that, consistent  
15 with the portion of the 14th amendment to the Con-  
16 stitution relating to equal protection of the laws,  
17 minimizes the potential for employment discrimina-  
18 tion on the basis of sex by ensuring generally that  
19 leave is available for eligible medical reasons on a  
20 gender-neutral basis; and

21          (5) to promote the goal of equal employment  
22 opportunity for women and men, pursuant to such  
23 clause.

24 **SEC. 4. DEFINITIONS.**

25       In this Act:

1           (1) CHILD.—The term “child” means a biological,  
2 cal, foster, or adopted child, a stepchild, a legal  
3 ward, or a child of a person standing in loco  
4 parentis, who is—

5                   (A) under 18 years of age; or

6                   (B) 18 years of age or older and incapable  
7 of self-care because of a mental or physical dis-  
8 ability.

9           (2) EMPLOYEE.—The term “employee” means  
10 an individual—

11                   (A) who is—

12                           (i)(I) an employee (including an appli-  
13 cant), as defined in section 3(e) of the Fair  
14 Labor Standards Act of 1938 (29 U.S.C.  
15 203(e)), who is not covered under clause  
16 (v), including such an employee of the Li-  
17 brary of Congress, except that a reference  
18 in such section to an employer shall be  
19 considered to be a reference to an employer  
20 described in clauses (i)(I) and (ii) of para-  
21 graph (3)(A); or

22                           (II) an employee (including an appli-  
23 cant) of the General Accounting Office;

24                           (ii) a State employee (including an ap-  
25 plicant) described in section 304(a) of the

1 Government Employee Rights Act of 1991  
2 (42 U.S.C. 2000e–16c(a));

3 (iii) a covered employee (including an  
4 applicant), as defined in section 101 of the  
5 Congressional Accountability Act of 1995  
6 (2 U.S.C. 1301);

7 (iv) a covered employee (including an  
8 applicant), as defined in section 411(e) of  
9 title 3, United States Code; or

10 (v) an employee or applicant to which  
11 section 717(a) of the Civil Rights Act of  
12 1964 (42 U.S.C. 2000e–16(a)) applies,  
13 other than an employee or applicant of the  
14 General Accounting Office or the Library  
15 of Congress; and

16 (B) who, on a year-round basis, regularly  
17 works at least 20 hours per week or, in the al-  
18 ternative, at least 1,000 hours per year.

19 (3) EMPLOYER.—

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

22 (i)(I) an employer (as defined in sec-  
23 tion 101(4) of the Family and Medical  
24 Leave Act of 1993 (29 U.S.C. 2611(4))),  
25 who is not covered under clause (v), includ-

1           ing the General Accounting Office and the  
2           Library of Congress, except that a ref-  
3           erence in such section to 50 or more em-  
4           ployees shall be considered to be a ref-  
5           erence to 15 or more employees;

6                   (II) an entity employing a State em-  
7           ployee described in section 304(a) of the  
8           Government Employee Rights Act of 1991;

9                   (III) an employing office, as defined  
10          in section 101 of the Congressional Ac-  
11          countability Act of 1995;

12                   (IV) an employing office, as defined in  
13          section 411(c) of title 3, United States  
14          Code; or

15                   (V) an entity to which section 717(a)  
16          of the Civil Rights Act of 1964 applies,  
17          other than the General Accounting Office  
18          or the Library of Congress; and

19                   (ii) is engaged in commerce (including  
20          government), in the production of goods  
21          for commerce, or in an enterprise engaged  
22          in commerce (including government) or in  
23          the production of goods for commerce.

1 (B) PREDECESSORS.—Any reference in  
2 this paragraph to an employer shall include a  
3 reference to any predecessor of such employer.

4 (4) EMPLOYMENT BENEFITS.—The term “em-  
5 ployment benefits” has the meaning given the term  
6 in section 101 of the Family and Medical Leave Act  
7 of 1993 (29 U.S.C. 2611).

8 (5) HEALTH CARE PROFESSIONAL.—The term  
9 “health care professional” has the meaning given the  
10 term “health care provider” in section 101 of the  
11 Family and Medical Leave Act of 1993 (29 U.S.C.  
12 2611).

13 (6) PARENT.—The term “parent” means a bio-  
14 logical, foster, or adoptive parent of an employee, a  
15 stepparent of an employee, or a legal guardian or  
16 other person who stood in loco parentis to an em-  
17 ployee when the employee was a child.

18 (7) PRO RATA.—The term “pro rata”, with re-  
19 spect to benefits offered to part-time employees,  
20 means the proportion of each of the benefits offered  
21 to full-time employees that are offered to part-time  
22 employees that, for each benefit, is equal to the ratio  
23 of part-time hours worked to full-time hours worked.

24 (8) SECRETARY.—The term “Secretary” means  
25 the Secretary of Labor.

1           (9) SICK LEAVE.—The term “sick leave” means  
2           an increment of compensated leave provided by an  
3           employer to an employee as a benefit of employment  
4           for use by the employee during an absence from em-  
5           ployment for any of the reasons described in para-  
6           graphs (1) through (4) of section 5(d).

7           (10) 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          employee resides.

11 **SEC. 5. PROVISION OF PAID SICK LEAVE.**

12          (a) IN GENERAL.—An employer shall provide for  
13          each employee employed by the employer not less than—

14                (1) 7 days of sick leave with pay annually for  
15                employees working 30 or more hours per week; or

16                (2) a pro rata number of days of sick leave with  
17                pay annually for employees working less than—

18                        (A) 30 hours per week on a year-round  
19                        basis; or

20                        (B) 1,500 hours throughout the year in-  
21                        volved.

22          (b) ACCRUAL.—Sick leave provided for under this  
23          section shall accrue as determined appropriate by the em-  
24          ployer, but not on less than a quarterly basis. Leave may

1 be used as accrued or may be loaned by the employer to  
2 the employee in advance of accrual by such employee.

3 (c) CALCULATION.—

4 (1) LESS THAN A FULL WORKDAY.—Unless the  
5 employer and employee agree to designate otherwise,  
6 for periods of sick leave that are less than a normal  
7 workday, that leave shall be counted—

8 (A) on an hourly basis; or

9 (B) in the smallest increment that the em-  
10 ployer's payroll system uses to account for ab-  
11 sences or use of leave.

12 (2) VARIABLE SCHEDULE.—If the schedule of  
13 an employee varies from week to week, a weekly av-  
14 erage of the hours worked over the 12-week period  
15 prior to the beginning of a sick leave period shall be  
16 used to calculate the employee's normal workweek  
17 for the purpose of determining the amount of sick  
18 leave to which the employee is entitled.

19 (d) USES.—Sick leave accrued under this section may  
20 be used by an employee for any of the following:

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

24 (2) An absence resulting from obtaining profes-  
25 sional medical diagnosis or care, or preventive med-

1 ical care, for the employee subject to the require-  
2 ment of subsection (e).

3 (3) An absence for the purpose of caring for a  
4 child, a parent, a spouse, or any other individual re-  
5 lated by blood or affinity whose close association  
6 with the employee is the equivalent of a family rela-  
7 tionship, who has—

8 (A) any of the conditions or needs for di-  
9 agnosis or care described in paragraph (1) or  
10 (2); and

11 (B) in the case of someone who is not a  
12 child, is otherwise in need of care.

13 (e) SCHEDULING.—An employee shall make a reason-  
14 able effort to schedule leave under paragraphs (2) and (3)  
15 of subsection (d) in a manner that does not unduly disrupt  
16 the operations of the employer.

17 (f) CERTIFICATION.—

18 (1) IN GENERAL.—Paid sick leave shall be pro-  
19 vided upon the oral or written request of an em-  
20 ployee. Such request shall—

21 (A) include a reason for the absence in-  
22 volved and the expected duration of the leave;

23 (B) for foreseeable leave, be provided at  
24 least 7 days in advance of such leave; and

1 (C) for unforeseeable leave for which ad-  
2 vance notice cannot be given, be provided as  
3 soon as practicable after the employee is aware  
4 of the need to take such leave.

5 (2) CERTIFICATION.—

6 (A) PROVISION.—

7 (i) IN GENERAL.—An employer may  
8 require that a request for leave for more  
9 than 3 consecutive days be supported by a  
10 certification issued by the health care pro-  
11 fessional of the eligible employee or of an  
12 individual described in subsection (d)(3),  
13 as appropriate.

14 (ii) TIMELINESS.—The employee shall  
15 provide a copy of such certification to the  
16 employer in a timely manner, not later  
17 than 30 days after the first day of the  
18 leave. The employer shall not delay the  
19 commencement of the leave on the basis  
20 that the employer has not yet received the  
21 certification.

22 (B) SUFFICIENT CERTIFICATION.—

23 (i) IN GENERAL.—A certification pro-  
24 vided under subparagraph (A) shall be suf-  
25 ficient if it states—

1 (I) the date on which the leave  
2 will be needed;

3 (II) the probable duration of the  
4 leave;

5 (III) the appropriate medical  
6 facts within the knowledge of the  
7 health care professional regarding the  
8 condition involved, subject to clause  
9 (ii); and

10 (IV)(aa) for purposes of leave  
11 under subsection (d)(1), a statement  
12 that leave from work is medically nec-  
13 essary;

14 (bb) for purposes of leave under  
15 subsection (d)(2), the dates on which  
16 testing for a medical diagnosis or  
17 treatment is expected to be given and  
18 the duration of such treatment or  
19 testing; and

20 (cc) for purposes of leave under  
21 subsection (d)(3), in the case of leave  
22 to care for someone who is not a  
23 child, a statement that the eligible  
24 employee is needed to care for an in-  
25 dividual described in such subsection,

1           and an estimate of the amount of  
2           time that such employee is needed to  
3           care for such individual.

4           (ii) LIMITATION.—In issuing a certifi-  
5           cation under subparagraph (A), a health  
6           care professional shall make reasonable ef-  
7           forts to limit the medical facts described in  
8           clause (i)(III) that are disclosed in the cer-  
9           tification to the minimum necessary to es-  
10          tablish a need for the employee to utilize  
11          paid sick leave.

12          (C) CONFIDENTIALITY AND NONDISCLO-  
13          SURE.—

14           (i) PROTECTED HEALTH INFORMA-  
15          TION.—Nothing in this Act shall be con-  
16          strued to require a health care professional  
17          to disclose information in violation of sec-  
18          tion 1177 of the Social Security Act (42  
19          U.S.C. 1320d–6) or the regulations pro-  
20          mulgated pursuant to section 264(c) of the  
21          Health Insurance Portability and Account-  
22          ability Act (42 U.S.C. 1320d–2 note).

23           (ii) HEALTH INFORMATION  
24          RECORDS.—If an employer possesses  
25          health information about an employee or

1 an employee's child, parent, spouse or  
2 other individual described in subsection  
3 (d)(3), such information shall—

4 (I) be maintained on a separate  
5 form and in a separate file from other  
6 personnel information;

7 (II) be treated as a confidential  
8 medical record; and

9 (III) not be disclosed except to  
10 the affected employee or with the per-  
11 mission of the affected employee.

12 (g) CURRENT LEAVE POLICIES.—

13 (1) EQUIVALENCY REQUIREMENT.—An em-  
14 ployer with a leave policy providing paid leave op-  
15 tions shall not be required to modify such policy, if  
16 such policy offers an employee the option, at the em-  
17 ployee's discretion, to take paid sick leave that is at  
18 least equivalent to the sick leave described in para-  
19 graphs (1) and (2) of subsection (a) and subsection  
20 (d).

21 (2) NO ELIMINATION OR REDUCTION OF  
22 LEAVE.—An employer may not eliminate or reduce  
23 leave in existence on the date of enactment of this  
24 Act, regardless of the type of such leave, in order to  
25 comply with the provisions of this Act.

1 **SEC. 6. POSTING REQUIREMENT.**

2 (a) IN GENERAL.—Each employer shall post and  
3 keep posted a notice, to be prepared or approved in ac-  
4 cordance with procedures specified in regulations issued  
5 under section 13, setting forth excerpts from, or sum-  
6 maries of, the pertinent provisions of this Act including—

7 (1) information describing leave available to  
8 employees under this Act;

9 (2) information pertaining to the filing of an  
10 action under this Act; and

11 (3) the details of the notice requirement for  
12 foreseeable leave under section 5(f)(1)(B).

13 (b) LOCATION.—The notice described under sub-  
14 section (a) shall be posted—

15 (1) in conspicuous places on the premises of the  
16 employer, where notices to employees (including ap-  
17 plicants) are customarily posted; or

18 (2) in employee handbooks.

19 (c) VIOLATION; PENALTY.—Any employer who will-  
20 fully violates the posting requirements of this section shall  
21 be subject to a civil fine in an amount not to exceed \$100  
22 for each separate offense.

23 **SEC. 7. PROHIBITED ACTS.**

24 (a) INTERFERENCE WITH RIGHTS.—

25 (1) EXERCISE OF RIGHTS.—It shall be unlawful  
26 for any employer to interfere with, restrain, or deny

1 the exercise of, or the attempt to exercise, any right  
2 provided under this Act.

3 (2) DISCRIMINATION.—It shall be unlawful for  
4 any employer to discharge or in any other manner  
5 discriminate or otherwise retaliate against any indi-  
6 vidual for opposing any practice made unlawful by  
7 this Act.

8 (b) INTERFERENCE WITH PROCEEDINGS OR INQUIR-  
9 IES.—It shall be unlawful for any person to discharge or  
10 in any other manner discriminate against any individual  
11 because such individual—

12 (1) has filed an action, or has instituted or  
13 caused to be instituted any proceeding, under or re-  
14 lated to this Act;

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

18 (3) has testified, or is about to testify, in any  
19 inquiry or proceeding relating to any right provided  
20 under this Act.

21 **SEC. 8. INVESTIGATIVE AND ENFORCEMENT AUTHORITY.**

22 (a) EMPLOYEES COVERED BY TITLE I OF FAMILY  
23 AND MEDICAL LEAVE ACT OF 1993 OR GOVERNMENT  
24 EMPLOYEE RIGHTS ACT OF 1991.—

25 (1) DEFINITION.—In this subsection:

1 (A) the term “employee” means an em-  
2 ployee described in clause (i) or (ii) of section  
3 4(2)(A); and

4 (B) the term “employer” means an em-  
5 ployer described in clauses (i)(I) and (ii), or  
6 clauses (i)(II) and (ii), of section 4(3)(A).

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 ployees and employers.

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

23 (C) REQUIRED SUBMISSIONS GENERALLY  
24 LIMITED TO AN ANNUAL BASIS.—The Secretary  
25 shall not require, under the authority of this

1 paragraph, an employer to submit to the Sec-  
2 retary any books or records more than once  
3 during any 12-month period, unless the Sec-  
4 retary has reasonable cause to believe there  
5 may exist a violation of this Act or any regula-  
6 tion or order issued pursuant to this Act, or is  
7 investigating a charge pursuant to paragraph  
8 (4).

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

15 (3) CIVIL ACTION BY EMPLOYEES.—

16 (A) RIGHT OF ACTION.—An action to re-  
17 cover the damages or equitable relief prescribed  
18 in subparagraph (B) may be maintained  
19 against any employer in any Federal or State  
20 court of competent jurisdiction by one or more  
21 employees or their representative for and on be-  
22 half of—

23 (i) the employees; or

24 (ii) the employees and other employ-  
25 ees similarly situated.

1 (B) LIABILITY.—Any employer who vio-  
2 lates section 7 (including a violation relating to  
3 rights provided under section 5) shall be liable  
4 to any employee affected—

5 (i) for damages equal to—

6 (I) the amount of—

7 (aa) any wages, salary, em-  
8 ployment benefits, or other com-  
9 pensation denied or lost to such  
10 employee by reason of the viola-  
11 tion; or

12 (bb) in a case in which  
13 wages, salary, employment bene-  
14 fits, or other compensation have  
15 not been denied or lost to the  
16 employee, any actual monetary  
17 losses sustained by the employee  
18 as a direct result of the violation  
19 up to a sum equal to 7 days of  
20 wages or salary for the employee;

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

24 (III) an additional amount as liq-  
25 uidated damages; and

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

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

10                  (4) ACTION BY THE SECRETARY.—

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

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

24                   (C) SUMS RECOVERED.—Any sums recov-  
25                   ered by the Secretary pursuant to subparagraph

1 (B) shall be held in a special deposit account  
2 and shall be paid, on order of the Secretary, di-  
3 rectly to each employee affected. Any such sums  
4 not paid to an employee because of inability to  
5 do so within a period of 3 years shall be depos-  
6 ited into the Treasury of the United States as  
7 miscellaneous receipts.

8 (5) LIMITATION.—

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

15 (B) WILLFUL VIOLATION.—In the case of  
16 an action brought for a willful violation of sec-  
17 tion 7 (including a willful violation relating to  
18 rights provided under section 5), such action  
19 may be brought within 3 years of the date of  
20 the last event constituting the alleged violation  
21 for which such action is brought.

22 (C) COMMENCEMENT.—In determining  
23 when an action is commenced under paragraph  
24 (3), (4), or (6) for the purposes of this para-

1 graph, it shall be considered to be commenced  
2 on the date when the complaint is filed.

3 (6) ACTION FOR INJUNCTION BY SECRETARY.—

4 The district courts of the United States shall have  
5 jurisdiction, for cause shown, in an action brought  
6 by the Secretary—

7 (A) to restrain violations of section 7 (in-  
8 cluding a violation relating to rights provided  
9 under section 5), including the restraint of any  
10 withholding of payment of wages, salary, em-  
11 ployment benefits, or other compensation, plus  
12 interest, found by the court to be due to em-  
13 ployees eligible under this Act; or

14 (B) to award such other equitable relief as  
15 may be appropriate, including employment, re-  
16 instatement, and promotion.

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

21 (8) GENERAL ACCOUNTING OFFICE AND LI-  
22 BRARY OF CONGRESS.—Notwithstanding any other  
23 provision of this subsection, in the case of the Gen-  
24 eral Accounting Office and the Library of Congress,  
25 the authority of the Secretary of Labor under this

1 subsection shall be exercised respectively by the  
2 Comptroller General of the United States and the  
3 Librarian of Congress.

4 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-  
5 COUNTABILITY ACT OF 1995.—The powers, remedies, and  
6 procedures provided in the Congressional Accountability  
7 Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as de-  
8 fined in section 101 of that Act (2 U.S.C. 1301)), or any  
9 person, alleging a violation of section 202(a)(1) of that  
10 Act (42 U.S.C. 1312(a)(1)) shall be the powers, remedies,  
11 and procedures this Act provides to that Board, or any  
12 person, alleging an unlawful employment practice in viola-  
13 tion of this Act against an employee described in section  
14 4(2)(A)(iii).

15 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE  
16 3, UNITED STATES CODE.—The powers, remedies, and  
17 procedures provided in chapter 5 of title 3, United States  
18 Code, to the President, the Merit Systems Protection  
19 Board, or any person, alleging a violation of section  
20 412(a)(1) of that title, shall be the powers, remedies, and  
21 procedures this Act provides to the President, that Board,  
22 or any person, respectively, alleging an unlawful employ-  
23 ment practice in violation of this Act against an employee  
24 described in section 4(2)(A)(iv).

1 (d) EMPLOYEES COVERED BY SECTION 717 of the  
2 CIVIL RIGHTS ACT OF 1964.—The powers, remedies, and  
3 procedures provided in title 5, United States Code, to an  
4 employing agency, provided in chapter 12 of that title to  
5 the Merit Systems Protection Board, or provided in that  
6 title to any person, alleging a violation of chapter 63 of  
7 that title, shall be the powers, remedies, and procedures  
8 this Act provides to that agency, that Board, or any per-  
9 son, respectively, alleging an unlawful employment prac-  
10 tice in violation of this Act against an employee described  
11 in section 4(2)(A)(v).

12 **SEC. 9. GAO STUDY.**

13 (a) IN GENERAL.—The Comptroller General of the  
14 United States shall conduct a study to determine the fol-  
15 lowing:

16 (1) The number of days employees used paid  
17 sick leave including—

18 (A) the number of employees who used  
19 paid sick leave annually; and

20 (B) the number of days employees used  
21 paid sick leave for their illnesses, or illnesses  
22 of—

23 (i) a child;

24 (ii) a spouse;

25 (iii) a parent; or

1 (iv) any other individual.

2 (2) Whether employees used paid sick leave to  
3 care for illnesses or conditions caused by domestic  
4 violence against the employees or their family mem-  
5 bers.

6 (3) The cost to employers of implementing paid  
7 sick leave policies.

8 (4) The benefits to employers of implementing  
9 the policies, including improvements in retention and  
10 absentee rates and productivity.

11 (5) The benefits of paid sick leave to employees  
12 and their family members.

13 (6) Whether the provision of paid sick leave has  
14 affected the ability of employees to care for their  
15 family members.

16 (7) Whether and in what way the provision of  
17 paid sick leave affected the ability of employees to  
18 provide for their health needs.

19 (8) Whether the provision of paid sick leave af-  
20 fected the ability of employees to sustain an ade-  
21 quate income while meeting health needs of the em-  
22 ployees and their family members.

23 (9) Whether employers who administered paid  
24 sick leave policies prior to the date of enactment of  
25 this Act were affected by the provisions of this Act.

1           (10) Whether other types of leave were affected  
2           by this Act including whether this Act affected—

3                   (A) paid vacation leave;

4                   (B) paid family or medical leave; or

5                   (C) personal leave.

6           (11) Whether paid sick leave affected retention  
7           and turnover.

8           (b) AGGREGATING DATA.—The data collected under  
9           paragraphs (1), (2), and (6) of subsection (a) shall be ag-  
10          gregated by gender, race, disability, earnings level, age,  
11          marital status, and family type, including parental status.

12          (c) REPORTS.—

13               (1) IN GENERAL.—Not later than 18 months  
14               after the date of enactment of this Act, the Comp-  
15               troller General of the United States shall prepare  
16               and submit a report to the appropriate committees  
17               of Congress concerning the results of the study con-  
18               ducted pursuant to subsection (a) and the data ag-  
19               gregated under subsection (b).

20               (2) FOLLOWUP REPORT.—Not later than 5  
21               years after the date of enactment of this Act the  
22               Comptroller General of the United States shall pre-  
23               pare and submit a followup report to the appropriate  
24               committees of Congress concerning the results of the

1 study conducted pursuant to subsection (a) and the  
2 data aggregated under subsection (b).

3 **SEC. 10. EFFECT ON OTHER LAWS.**

4 (a) FEDERAL AND STATE ANTIDISCRIMINATION  
5 LAWS.—Nothing in this Act shall be construed to modify  
6 or affect any Federal or State law prohibiting discrimina-  
7 tion on the basis of race, religion, color, national origin,  
8 sex, age, or disability.

9 (b) STATE AND LOCAL LAWS.—Nothing in this Act  
10 shall be construed to supersede any provision of any State  
11 or local law that provides greater paid sick leave or other  
12 leave rights than the rights established under this Act.

13 **SEC. 11. EFFECT ON EXISTING EMPLOYMENT BENEFITS.**

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

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

1 **SEC. 12. ENCOURAGEMENT OF MORE GENEROUS LEAVE**  
2 **POLICIES.**

3 Nothing in this Act shall be construed to discourage  
4 employers from adopting or retaining leave policies more  
5 generous than policies that comply with the requirements  
6 of this Act.

7 **SEC. 13. REGULATIONS.**

8 (a) EMPLOYEES COVERED BY TITLE I OF FAMILY  
9 AND MEDICAL LEAVE ACT OF 1993 OR GOVERNMENT  
10 EMPLOYEE RIGHTS ACT OF 1991.—

11 (1) IN GENERAL.—Except as provided in para-  
12 graph (2), not later than 120 days after the date of  
13 enactment of this Act, the Secretary shall prescribe  
14 such regulations as are necessary to carry out this  
15 Act with respect to employees described in clause (i)  
16 or (ii) of section 4(2)(A).

17 (2) GENERAL ACCOUNTING OFFICE; LIBRARY  
18 OF CONGRESS.—The Comptroller General of the  
19 United States and the Librarian of Congress shall  
20 prescribe the regulations with respect to employees  
21 of the General Accounting Office and the Library of  
22 Congress, respectively.

23 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-  
24 COUNTABILITY ACT OF 1995.—

25 (1) IN GENERAL.—Not later than 120 days  
26 after the date of enactment of this Act, the Board

1 of Directors of the Office of Compliance shall pre-  
2 scribe (in accordance with section 304 of the Con-  
3 gressional Accountability Act of 1995 (2 U.S.C.  
4 1384)) such regulations as are necessary to carry  
5 out this Act with respect to employees described in  
6 section 4(2)(A)(iii).

7 (2) AGENCY REGULATIONS.—The regulations  
8 issued under paragraph (1) shall be the same as  
9 substantive regulations promulgated by the Sec-  
10 retary to carry out this Act except insofar as the  
11 Board may determine, for good cause shown and  
12 stated together with the regulations issued under  
13 paragraph (1), that a modification of such regula-  
14 tions would be more effective for the implementation  
15 of the rights and protections involved under this sec-  
16 tion.

17 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE  
18 3, UNITED STATES CODE.—

19 (1) IN GENERAL.—Not later than 120 days  
20 after the date of enactment of this Act, the Presi-  
21 dent (or the designee of the President) shall pre-  
22 scribe such regulations as are necessary to carry out  
23 this Act with respect to employees described in sec-  
24 tion 4(2)(A)(iv).

1           (2) AGENCY REGULATIONS.—The regulations  
2 issued under paragraph (1) shall be the same as  
3 substantive regulations promulgated by the Sec-  
4 retary to carry out this Act except insofar as the  
5 President (or designee) may determine, for good  
6 cause shown and stated together with the regula-  
7 tions issued under paragraph (1), that a modifica-  
8 tion of such regulations would be more effective for  
9 the implementation of the rights and protections in-  
10 volved under this section.

11           (d) EMPLOYEES COVERED BY SECTION 717 of the  
12 CIVIL RIGHTS ACT OF 1964.—

13           (1) IN GENERAL.—Not later than 120 days  
14 after the date of enactment of this Act, the Director  
15 of the Office of Personnel Management shall pre-  
16 scribe such regulations as are necessary to carry out  
17 this Act with respect to employees described in sec-  
18 tion 4(2)(A)(v).

19           (2) AGENCY REGULATIONS.—The regulations  
20 issued 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 Di-  
23 rector may determine, for good cause shown and  
24 stated together with the regulations issued under  
25 paragraph (1), that a modification of such regula-

1        tions would be more effective for the implementation  
2        of the rights and protections involved under this sec-  
3        tion.

4        **SEC. 14. EFFECTIVE DATES.**

5        (a) IN GENERAL.—This Act shall take effect on the  
6        date that is 6 months after the date of enactment of this  
7        Act.

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

12                (1) the date of the termination of such agree-  
13        ment; or

14                (2) the date that occurs 12 months after the  
15        date of enactment of this Act.

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