

119TH CONGRESS  
2D SESSION

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To allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families.

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IN THE SENATE OF THE UNITED STATES

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Mr. SANDERS (for himself, Mr. SCHUMER, Mrs. MURRAY, Ms. BALDWIN, Mr. BLUMENTHAL, Ms. BLUNT ROCHESTER, Mr. BOOKER, Ms. CANTWELL, Mr. COONS, Ms. DUCKWORTH, Mr. DURBIN, Mr. FETTERMAN, Mr. GALLEGUO, Mrs. GILLIBRAND, Mr. HEINRICH, Mr. HICKENLOOPER, Ms. HIRONO, Mr. Kaine, Mr. KING, Ms. KLOBUCHAR, Mr. MARKEY, Mr. MURPHY, Mr. PADILLA, Mr. REED, Mr. SCHATZ, Ms. SLOTKIN, Ms. SMITH, Mr. VAN HOLLEN, Mr. WELCH, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on

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**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:

15 (3) DOMESTIC PARTNER.—

16 (A) IN GENERAL.—The term “domestic  
17 partner”, with respect to an individual, means  
18 another individual with whom the individual is  
19 in a committed relationship.

20 (B) COMMITTED RELATIONSHIP DE-  
21 FINED.—The term “committed relationship”  
22 means a relationship between 2 individuals,  
23 each at least 18 years of age, in which each in-  
24 dividual is the other individual’s sole domestic  
25 partner and both individuals share responsi-

1           bility for a significant measure of each other's  
2           common welfare. The term includes any such  
3           relationship between 2 individuals, including in-  
4           dividuals of the same sex, that is granted legal  
5           recognition by a State or political subdivision of  
6           a State as a marriage or analogous relationship,  
7           including a civil union or domestic partnership.

8           (4) DOMESTIC VIOLENCE.—The term "domestic  
9           violence" has the meaning given the term in section  
10           40002(a) of the Violence Against Women Act of  
11           1994 (34 U.S.C. 12291(a)), except that the ref-  
12           erence in such section to the term "jurisdiction re-  
13           ceiving grant funding" shall be deemed to mean the  
14           jurisdiction in which the victim lives or the jurisdic-  
15           tion in which the employer involved is located.

16           (5) EMPLOYEE.—The term "employee" means  
17           an individual who is—

18               (A)(i) an employee, as defined in section  
19               3(e) of the Fair Labor Standards Act of 1938  
20               (29 U.S.C. 203(e)), who is not covered under  
21               any other provision of this paragraph, including  
22               such an employee of the Library of Congress,  
23               except that a reference in such section to an  
24               employer shall be considered to be a reference

1 to an employer described in paragraph  
2 (6)(A)(i)(I);

3 (ii) an employee of the Government Ac-  
4 countability Office; or

5 (iii) an employee of a covered employer de-  
6 scribed in paragraph (6)(B)(i)(IV) who per-  
7 forms work that has been traditionally per-  
8 formed by employees in a railroad industry  
9 craft or class recognized under the Ninth para-  
10 graph of section 2 of the Railway Labor Act  
11 (45 U.S.C. 152), including any employee who  
12 performs—

13 (I) work with respect to the movement  
14 of trains;

15 (II) maintenance of way work;

16 (III) signal work;

17 (IV) work for purposes of the inspec-  
18 tion, maintenance, repair, or cleaning of lo-  
19 comotives, rail maintenance facilities, rail-  
20 related equipment, or rail cars;

21 (V) dispatching work;

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

24 (VII) rail clerical or communications  
25 work;

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));

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

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

14 (6) EMPLOYER.—

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

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

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

(III) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995;

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

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

7 (ii) engaged in commerce (including  
8 government), or an industry or activity af-  
9 fecting commerce (including government).

10 (B) COVERED EMPLOYER.—

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

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

(II) means the Government Accountability Office and the Library of Congress;

23 (III) includes—

24 (aa) any person who acts,  
25 directly or indirectly, in the inter-

4 (bb) any successor in interest of such an employer; and

5 (IV) includes any rail carrier.

6

14 (iii) DEFINITIONS.—For purposes of  
15 this subparagraph:

16 (I) EMPLOYEE.—The term “em-  
17 ployee” has the meaning given such  
18 term in section 3(e) of the Fair Labor  
19 Standards Act of 1938 (29 U.S.C.  
20 203(e)).

21 (II) PERSON.—The term “per-  
22 son” has the meaning given such term  
23 in section 3(a) of the Fair Labor  
24 Standards Act of 1938 (29 U.S.C.  
25 203(a)).

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

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

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

21 (ii) is any other person determined by the  
22 Secretary to be capable of providing health care  
23 services; and

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

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

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

13 (i) the regular rate of pay of the em-  
14 ployee;

15 (ii) the rate specified in section  
16 6(a)(1) of the Fair Labor Standards Act  
17 of 1938 (29 U.S.C. 206(a)(1)); or

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

14 (15) STALKING.—The term “stalking” has the  
15 meaning given the term in section 40002(a) of the  
16 Violence Against Women Act of 1994 (34 U.S.C.  
17 12291(a)).

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

21 (17) VICTIM SERVICES ORGANIZATION.—The  
22 term “victim services organization” means a non-  
23 profit, nongovernmental organization that provides  
24 assistance to victims of domestic violence, sexual as-  
25 sault, or stalking or advocates for such victims, in-

1       cluding a rape crisis center, an organization carrying  
2       out a domestic violence, sexual assault, or stalking  
3       prevention or treatment program, an organization  
4       operating a shelter or providing counseling services,  
5       or a legal services organization or other organization  
6       providing assistance through the legal process.

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

8       (a) EARNING OF PAID SICK TIME.—

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

17           (2) EXEMPT EMPLOYEES.—

18           (A) IN GENERAL.—Except as provided in  
19       subparagraph (B), for purposes of this section,  
20       an employee who is exempt from overtime re-  
21       quirements under section 13(a)(1) of the Fair  
22       Labor Standards Act of 1938 (29 U.S.C.  
23       213(a)(1)) shall be deemed to work 40 hours in  
24       each workweek.

(3) DATES FOR BEGINNING TO EARN PAID SICK TIME AND USE.—Except as provided in the second sentence of paragraph (7), employees shall begin to earn paid sick time under this section at the commencement of their employment. Except as provided in such sentence, an employee shall be entitled to use the earned paid sick time beginning on the 60th calendar day following commencement of the employee's employment. After that 60th calendar day, the employee may use the paid sick time as the time is earned. An employer may, at the discretion of the employer, loan paid sick time to an employee for use by such employee in advance of the employee earning such sick time as provided in this subsection and may permit use before the 60th day of employment.

21 (4) CARRYOVER.—

22 (A) IN GENERAL.—Except as provided in  
23 subparagraph (B), paid sick time earned under  
24 this section shall carry over from 1 year to the  
25 next.



1       time and earn additional paid sick time at the re-  
2       commencement of employment with the employer.

3                   (8) PROHIBITION.—An employer may not re-  
4       quire, as a condition of providing paid sick time  
5       under this Act, that the employee involved search for  
6       or find a replacement employee to cover the hours  
7       during which the employee is using paid sick time.

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

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

13                   (2) An absence resulting from obtaining profes-  
14       sional medical diagnosis or care, or preventive med-  
15       ical care, for the employee.

16                   (3) An absence for the purpose of caring for a  
17       child, a parent, a spouse, a domestic partner, or any  
18       other individual related by blood or affinity whose  
19       close association with the employee is the equivalent  
20       of a family relationship, who—

21                   (A) has any of the conditions or needs for  
22       diagnosis or care described in paragraph (1) or  
23       (2);

24                   (B) is required to attend—



1           vidual related by blood or affinity whose close  
2           association with the employee is the equivalent  
3           of a family relationship in obtaining services  
4           from a victim services organization;

5           (C) obtain or assist a child, a parent, a  
6           spouse, a domestic partner, or any other indi-  
7           vidual related by blood or affinity whose close  
8           association with the employee is the equivalent  
9           of a family relationship in obtaining psycho-  
10          logical or other counseling;

11          (D) seek relocation; or

12          (E) take legal action, including preparing  
13          for or participating in any civil or criminal legal  
14          proceeding related to or resulting from domestic  
15          violence, sexual assault, or stalking.

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

20          (d) PROCEDURES.—

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

24           (A) include the expected duration of the  
25          period of such time; and

1 (B)(i) in a case in which the need for such  
2 period of time is foreseeable at least 7 days in  
3 advance of such period, be provided at least 7  
4 days in advance of such period; or

5 (ii) otherwise, be provided as soon as practicable after the employee is aware of the need  
6 for such period.  
7

8 (2) CERTIFICATION IN GENERAL.—

9 (A) PROVISION.—

10 (i) IN GENERAL.—Subject to subparagraph (C), an employer may require that a  
11 request for paid sick time under this section for a purpose described in paragraph  
12 (1), (2), or (3) of subsection (b) be supported by a certification issued by the  
13 health care provider of the eligible employee or of an individual described in sub-  
14 section (b)(3), as appropriate, if the period  
15 of such time covers more than 3 consecutive  
16 workdays.  
17  
18  
19  
20

21 (ii) TIMELINESS.—The employee shall  
22 provide a copy of such certification to the  
23 employer in a timely manner, not later  
24 than 30 days after the first day of the pe-  
25 riod of time. The employer shall not delay

1 the commencement of the period of time on  
2 the basis that the employer has not yet re-  
3 ceived the certification.

4 (B) SUFFICIENT CERTIFICATION.—A cer-  
5 tification provided under subparagraph (A)  
6 shall be sufficient if it states—

7 (i) the date on which the period of  
8 time will be needed;

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

14 (II) for purposes of such time under  
15 subsection (b)(2), the dates on which test-  
16 ing for a medical diagnosis or care is ex-  
17 pected to be given and the duration of such  
18 testing or care; and

19 (III) for purposes of such time under  
20 subsection (b)(3), in the case of time to  
21 care for someone who is not a child, a  
22 statement that care is needed for an indi-  
23 vidual described in such subsection, and an  
24 estimate of the amount of time that such  
25 care is needed for such individual.

1 (C) REGULATIONS.—Regulations pre-  
2 scribed under section 12 shall specify the man-  
3 ner in which an employee who does not have  
4 health insurance shall provide a certification for  
5 purposes of this paragraph.

6 (D) CONFIDENTIALITY AND NONDISCLO-  
7 SURE.—

8 (i) PROTECTED HEALTH INFORMATION.—Nothing in this Act shall be construed to require a health care provider to disclose information in violation of section 1177 of the Social Security Act (42 U.S.C. 1320d-6) or the regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note).

17 (ii) HEALTH INFORMATION  
18 RECORDS.—If an employer possesses  
19 health information about an employee or  
20 an employee’s child, parent, spouse, domes-  
21 tic partner, or an individual related to the  
22 employee as described in subsection (b)(3),  
23 such information shall—

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

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

21 (i) A police report indicating that the  
22 employee, or an individual described in  
23 subsection (b)(4)(A) with respect to the  
24 employee, was a victim of domestic vio-  
25 lence, sexual assault, or stalking.

23 (C) REQUIREMENTS.—The requirements of  
24 paragraph (2) shall apply to certifications  
25 under this paragraph, except that—

1 (i) subparagraph (B)(iii) of such para-  
2 graph shall not apply;

3 (ii) the certification shall state the  
4 reason that the leave is required with the  
5 facts to be disclosed limited to the min-  
6 imum necessary to establish a need for the  
7 employee to be absent from work, and the  
8 employee shall not be required to explain  
9 the details of the domestic violence, sexual  
10 assault, or stalking involved; and

11 (iii) with respect to confidentiality  
12 under subparagraph (D) of such para-  
13 graph, any information provided to the em-  
14 ployer under this paragraph shall be con-  
15 fidential, except to the extent that any dis-  
16 closure of such information is—

17 (I) requested or consented to in  
18 writing by the employee; or

19 (II) otherwise required by appli-  
20 cable Federal or State law.

21 (D) SPECIFICATION OF DOCUMENTA-  
22 TION.—An employer may not specify which of  
23 the forms of documentation described in clause  
24 (i), (ii), or (iii) of subparagraph (B) is required

1           to be provided in order to satisfy the require-  
2           ment under subparagraph (A).

3 **SEC. 4. NOTICE REQUIREMENT.**

4       (a) **IN GENERAL.**—Each employer shall notify each  
5 employee and include in any employee handbook, informa-  
6 tion—

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

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

11           (3) on the details of the notice requirement for  
12 a foreseeable period of time under section  
13 3(d)(1)(B)(i); and

14           (4) that describes—

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

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

21       (b) **POSTING OF NOTICE.**—Each employer shall post  
22 and keep posted a notice, to be prepared or approved in  
23 accordance with procedures specified in regulations pre-  
24 scribed under section 12, setting forth excerpts from, or  
25 summaries of, the pertinent provisions of this Act includ-

1 ing the information described in paragraphs (1) through  
2 (4) of subsection (a).

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

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

8 (2) in employee handbooks.

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

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

14 (a) INTERFERENCE WITH RIGHTS.—

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

19 (A) discharging or discriminating against  
20 (including retaliating against) any individual,  
21 including a job applicant, for exercising, or at-  
22 tempting to exercise, any right provided under  
23 this Act;

24 (B) using the taking of paid sick time  
25 under this Act as a negative factor in an em-

1           ployment action, such as hiring, promotion, re-  
2           ducing hours or number of shifts, or a discipli-  
3           nary action; or

4           (C) counting the paid sick time under a  
5           no-fault attendance policy or any other absence-  
6           control policy.

7           (2) DISCRIMINATION.—It shall be unlawful for  
8           any employer to discharge or in any other manner  
9           discriminate against (including retaliating against)  
10           any individual, including a job applicant, for oppos-  
11           ing any practice made unlawful by this Act.

12           (b) INTERFERENCE WITH PROCEEDINGS OR INQUIR-  
13           IES.—It shall be unlawful for any person to discharge or  
14           in any other manner discriminate against (including retali-  
15           ating against) any individual, including a job applicant,  
16           because such individual—

17           (1) has filed an action, or has instituted or  
18           caused to be instituted any proceeding, under or re-  
19           lated to this Act;

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

23           (3) has testified, or is about to testify, in any  
24           inquiry or proceeding relating to any right provided  
25           under this Act.

1       (c) CONSTRUCTION.—Nothing in this section shall be  
2 construed to state or imply that the scope of the activities  
3 prohibited by section 105 of the Family and Medical Leave  
4 Act of 1993 (29 U.S.C. 2615) is less than the scope of  
5 the activities prohibited by this section.

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

7       (a) IN GENERAL.—

8           (1) DEFINITION.—In this subsection—

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

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

15           (2) INVESTIGATIVE AUTHORITY.—

16               (A) IN GENERAL.—To ensure compliance  
17 with the provisions of this Act, or any regula-  
18 tion or order issued under this Act, the Sec-  
19 retary shall have, subject to subparagraph (C),  
20 the investigative authority provided under sec-  
21 tion 11(a) of the Fair Labor Standards Act of  
22 1938 (29 U.S.C. 211(a)), with respect to em-  
23 ployers, employees, and other individuals af-  
24 fected by an employer.

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

19 (D) SUBPOENA AUTHORITY.—For the pur-  
20 poses of any investigation provided for in this  
21 paragraph, the Secretary shall have the sub-  
22 poena authority provided for under section 9 of  
23 the Fair Labor Standards Act of 1938 (29  
24 U.S.C. 209).

10 (i) the employee or individual; or  
11 (ii) the employee or individual and  
12 others similarly situated.

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

17 (i) for damages equal to—

18 (I) the amount of—

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

23 (bb) in a case in which  
24 wages, salary, employment bene-  
25 fits, or other compensation have

1 not been denied or lost, any ac-  
2 tual monetary losses sustained as  
3 a direct result of the violation up  
4 to a sum equal to 56 hours of  
5 wages or salary for the employee  
6 or individual;

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

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

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

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

21 (4) ACTION BY THE SECRETARY.—

22 (A) ADMINISTRATIVE ACTION.—The Sec-  
23 retary shall receive, investigate, and attempt to  
24 resolve complaints of violations of section 5 (in-  
25 cluding a violation relating to rights provided

1           under section 3) in the same manner that the  
2           Secretary receives, investigates, and attempts to  
3           resolve complaints of violations of sections 6  
4           and 7 of the Fair Labor Standards Act of 1938  
5           (29 U.S.C. 206 and 207).

6           (B) CIVIL ACTION.—The Secretary may  
7           bring an action in any court of competent juris-  
8           diction to recover the damages described in  
9           paragraph (3)(B)(i).

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

20           (5) LIMITATION.—

21           (A) IN GENERAL.—Except as provided in  
22           subparagraph (B), an action may be brought  
23           under paragraph (3), (4), or (6) not later than  
24           2 years after the date of the last event consti-

1                   tuting the alleged violation for which the action  
2                   is brought.

3                   (B) WILLFUL VIOLATION.—In the case of  
4                   an action brought for a willful violation of sec-  
5                   tion 5 (including a willful violation relating to  
6                   rights provided under section 3), such action  
7                   may be brought not later than 3 years after of  
8                   the last event constituting the alleged violation  
9                   for which such action is brought.

10                   (C) COMMENCEMENT.—In determining  
11                   when an action is commenced under paragraph  
12                   (3), (4), or (6) for the purposes of this para-  
13                   graph, it shall be considered to be commenced  
14                   on the date when the complaint is filed.

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

19                   (A) to restrain violations of section 5 (in-  
20                   cluding a violation relating to rights provided  
21                   under section 3), including the restraint of any  
22                   withholding of payment of wages, salary, em-  
23                   ployment benefits, or other compensation, plus  
24                   interest, found by the court to be due to em-  
25                   ployees or individuals eligible under this Act; or

16 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-  
17 COUNTABILITY ACT OF 1995.—The powers, remedies, and  
18 procedures provided in the Congressional Accountability  
19 Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as de-  
20 fined in section 101 of that Act (2 U.S.C. 1301)), or any  
21 person, alleging a violation of section 202(a)(1) of that  
22 Act (2 U.S.C. 1312(a)(1)) shall be the powers, remedies,  
23 and procedures this Act provides to that Board, or any  
24 person, alleging an unlawful employment practice in viola-

1 tion of this Act against an employee described in section  
2 2(5)(C).

3 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE  
4 3, UNITED STATES CODE.—The powers, remedies, and  
5 procedures provided in chapter 5 of title 3, United States  
6 Code, to the President, the Merit Systems Protection  
7 Board, or any person, alleging a violation of section  
8 412(a)(1) of that title, shall be the powers, remedies, and  
9 procedures this Act provides to the President, that Board,  
10 or any person, respectively, alleging an unlawful employ-  
11 ment practice in violation of this Act against an employee  
12 described in section 2(5)(D).

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

24 (e) REMEDIES FOR STATE EMPLOYEES.—

23 (4) DEFINITION OF PROGRAM OR ACTIVITY.—In  
24 this subsection, the term “program or activity” has

1       the meaning given the term in section 606 of the  
2       Civil Rights Act of 1964 (42 U.S.C. 2000d–4a).

3   **SEC. 7. EDUCATION AND OUTREACH.**

4       (a) IN GENERAL.—The Secretary may conduct a  
5       public awareness campaign to educate and inform the pub-  
6       lic of the requirements for paid sick time required by this  
7       Act.

8       (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
9       authorized to be appropriated to the Secretary such sums  
10      as may be necessary to carry out such campaign.

11   **SEC. 8. COLLECTION OF DATA ON PAID SICK TIME AND**  
12                   **FURTHER STUDY.**

13       (a) COMPIRATION OF INFORMATION.—The Commis-  
14       sioner of Labor Statistics of the Department of Labor  
15       shall annually compile and report to the Comptroller Gen-  
16       eral of the United States information on—

17               (1) the amount of paid sick time available to  
18       employees by occupation and type of employment es-  
19       tablishment; and

20               (2) an estimate of the average sick time used  
21       by employees according to occupation and the type  
22       of employment establishment.

23       (b) GAO STUDY.—

24               (1) IN GENERAL.—Not later than 5 years after  
25       the date of enactment of this Act, the Comptroller

1       General of the United States shall conduct a study  
2       to evaluate the implementation of this Act. Such  
3       study shall include an estimation of employees' ac-  
4       cess to paid sick time, employees' awareness of their  
5       rights under this Act, and employers' experiences  
6       complying with this Act. Such study shall take into  
7       account access, awareness and experiences of em-  
8       ployees by race, ethnicity, gender, and occupation.

9                   (2) REPORT.—Upon completion of the study re-  
10       quired by paragraph (1), the Comptroller General of  
11       the United States shall prepare and submit a report  
12       to the appropriate committees of Congress con-  
13       cerning the results of the study and the information  
14       compiled pursuant to subsection (a).

15                   (c) REPORT ON RAIL CARRIER ENFORCEMENT.—Not  
16       later than 3 years after the date of enactment of this Act,  
17       the Secretary shall submit a report to Congress on any  
18       action by the Secretary under section 6(a) with respect  
19       to employers described in section 2(6)(B)(i)(IV) providing  
20       paid sick time to employees described in section  
21       2(5)(A)(iii).

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

23                   (a) FEDERAL AND STATE ANTIDISCRIMINATION  
24       LAWS.—Nothing in this Act shall be construed to modify  
25       or affect any Federal or State law prohibiting discrimina-

1 tion on the basis of race, religion, color, national origin,  
2 sex, age, disability, sexual orientation, gender identity,  
3 marital status, familial status, or any other protected sta-  
4 tus.

5 (b) STATE AND LOCAL LAWS.—Nothing in this Act  
6 shall be construed to supersede (including preempting)  
7 any provision of any State or local law that provides great-  
8 er paid sick time or leave rights (including greater  
9 amounts of paid sick time or leave or greater coverage of  
10 those eligible for paid sick time or leave) than the rights  
11 established under this Act.

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

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

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

1 **SEC. 11. 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. 12. REGULATIONS.**

## 8 (a) IN GENERAL.—

9 (1) AUTHORITY.—Except as provided in para-  
10 graph (2), not later than 180 days after the date of  
11 enactment of this Act, the Secretary shall prescribe  
12 such regulations as are necessary to carry out this  
13 Act with respect to employees described in subpara-  
14 graph (A) or (B) of section 2(5) and other individ-  
15 uals affected by employers described in subclause (I)  
16 or (II) of section 2(6)(A)(i).

17 (2) GOVERNMENT ACCOUNTABILITY OFFICE; LI-  
18 BRARY OF CONGRESS.—The Comptroller General of  
19 the United States and the Librarian of Congress  
20 shall prescribe the regulations with respect to em-  
21 ployees of the Government Accountability Office and  
22 the Library of Congress, respectively, and other individ-  
23 uals affected by the Comptroller General of the  
24 United States and the Librarian of Congress, re-  
25 spectively.

1       (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-  
2 COUNTABILITY ACT OF 1995.—

3               (1) AUTHORITY.—Not later than 90 days after  
4       the Secretary prescribes regulations under sub-  
5       section (a), the Board of Directors of the Office of  
6       Compliance shall prescribe (in accordance with sec-  
7       tion 304 of the Congressional Accountability Act of  
8       1995 (2 U.S.C. 1384)) such regulations as are nec-  
9       essary to carry out this Act with respect to employ-  
10      ees described in section 2(5)(C) and other individ-  
11      uals affected by employers described in section  
12      2(6)(A)(i)(III).

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

23       (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE  
24 3, UNITED STATES CODE.—

19 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE  
20 5, UNITED STATES CODE.—

1 employees described in section 2(5)(E) and other indi-  
2 viduals affected by employers described in section  
3 2(6)(A)(i)(V).

4 (2) AGENCY REGULATIONS.—The regulations  
5 prescribed under paragraph (1) shall be the same as  
6 substantive regulations promulgated by the Sec-  
7 retary to carry out this Act except insofar as the Di-  
8 rector may determine, for good cause shown and  
9 stated together with the regulations prescribed  
10 under paragraph (1), that a modification of such  
11 regulations would be more effective for the imple-  
12 mentation of the rights and protections involved  
13 under this section.

14 **SEC. 13. EFFECTIVE DATES.**

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

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

