

119TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

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. GALLEG0, 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

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:

1 (1) CHILD.—The term “child” means, regard-
2 less of age, a biological, foster, or adopted child, a
3 stepchild, a child of a domestic partner, a legal
4 ward, or a child of a person standing in loco
5 parentis.

6 (2) 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 (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;

8 (D) a covered employee, as defined in sec-
9 tion 411(c) of title 3, United States Code; or

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;

23 (III) an employing office, as defined
24 in section 101 of the Congressional Ac-
25 countability Act of 1995;

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

4 (V) an employing agency covered
5 under subchapter V of chapter 63 of title
6 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;

20 (II) means the Government Ac-
21 countability Office and the Library of
22 Congress;

23 (III) includes—

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

1 est of an employer covered by
2 this clause to any of the employ-
3 ees of such employer; and

4 (bb) any successor in inter-
5 est of such an employer; and

6 (IV) includes any rail carrier.

7 (ii) PUBLIC AGENCY.—For purposes
8 of clause (i), a public agency, as defined in
9 section 3(x) of the Fair Labor Standards
10 Act of 1938 (29 U.S.C. 203(x)), shall be
11 considered to be a person engaged in com-
12 merce or in an industry or activity affect-
13 ing commerce.

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.

4 (7) EMPLOYMENT BENEFITS.—The term “em-
5 ployment benefits” means all benefits provided or
6 made available to employees by an employer, includ-
7 ing group life insurance, health insurance, disability
8 insurance, sick leave, annual leave, educational bene-
9 fits, and pensions, regardless of whether such bene-
10 fits are provided by a practice or written policy of
11 an employer or through an “employee benefit plan”,
12 as defined in section 3(3) of the Employee Retirement
13 Income Security Act of 1974 (29 U.S.C.
14 1002(3)).

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

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

4 (9) PAID SICK TIME.—The term “paid sick
5 time” means an increment of compensated leave
6 that—

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

18 (iii) the rate specified in the applica-
19 ble State or local minimum wage law.

20 (10) PARENT.—The term “parent” means a bi-
21 ological, foster, or adoptive parent of an employee,
22 a stepparent of an employee, parent-in-law, parent
23 of a domestic partner, or a legal guardian or other
24 person who stood in loco parentis to an employee
25 when the employee was a child.

1 (11) RAIL CARRIER.—The term “rail carrier”
2 has the meaning given such term in section 10102
3 of title 49, United States Code.

4 (12) SECRETARY.—The term “Secretary”
5 means the Secretary of Labor.

6 (13) SEXUAL ASSAULT.—The term “sexual as-
7 sault” has the meaning given the term in section
8 40002(a) of the Violence Against Women Act of
9 1994 (34 U.S.C. 12291(a)).

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.

1 (B) SHORTER NORMAL WORKWEEK.—If
2 the normal workweek of such an employee is
3 less than 40 hours, the employee shall earn
4 paid sick time based upon that normal work-
5 week.

6 (3) DATES FOR BEGINNING TO EARN PAID SICK
7 TIME AND USE.—Except as provided in the second
8 sentence of paragraph (7), employees shall begin to
9 earn paid sick time under this section at the com-
10 mencement of their employment. Except as provided
11 in such sentence, an employee shall be entitled to
12 use the earned paid sick time beginning on the 60th
13 calendar day following commencement of the em-
14 ployee's employment. After that 60th calendar day,
15 the employee may use the paid sick time as the time
16 is earned. An employer may, at the discretion of the
17 employer, loan paid sick time to an employee for use
18 by such employee in advance of the employee earn-
19 ing such sick time as provided in this subsection and
20 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 (B) CONSTRUCTION.—This Act shall not
2 be construed to require an employer to permit
3 an employee to earn more than 56 hours of
4 earned paid sick time in a calendar year.

5 (5) EMPLOYERS WITH EXISTING POLICIES.—
6 Any employer with a paid leave policy who makes
7 available an amount of paid leave that is sufficient
8 to meet the requirements of this section and that
9 may be used for the same purposes and under the
10 same conditions and procedures as the purposes,
11 conditions, and procedures described in this section
12 shall not be required to permit an employee to earn
13 additional paid sick time under this section.

14 (6) CONSTRUCTION.—Nothing in this section
15 shall be construed as requiring financial or other re-
16 imbursement to an employee from an employer upon
17 the employee's termination, resignation, retirement,
18 or other separation from employment for earned
19 paid sick time that has not been used.

20 (7) REINSTATEMENT.—If an employee is sepa-
21 rated from employment with an employer and is re-
22 hired, within 12 months after that separation, by the
23 same employer, the employer shall reinstate the em-
24 ployee's previously earned paid sick time. The em-
25 ployee shall be entitled to use the earned paid sick

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 (i) in the case of someone who is a
2 child, a school meeting; or

3 (ii) a meeting at a place where the
4 child, parent, spouse, domestic partner, or
5 such other individual is receiving care ne-
6 cessitated by a health condition or dis-
7 ability of the child, parent, spouse, domes-
8 tic partner, or such other individual;

9 (C) is in need of care and is typically cared
10 for by an individual who is unable to provide
11 care because the individual has any of condi-
12 tions or needs for diagnosis or care described in
13 paragraph (1) or (2); or

14 (D) is otherwise in need of care.

15 (4) An absence resulting from domestic vio-
16 lence, sexual assault, or stalking, if the time is to—

17 (A) seek medical attention for the em-
18 ployee or the employee's child, parent, spouse,
19 domestic partner, or an individual related to the
20 employee as described in paragraph (3), to re-
21 cover from physical or psychological injury or
22 disability caused by domestic violence, sexual
23 assault, or stalking;

24 (B) obtain or assist a child, a parent, a
25 spouse, a domestic partner, or any other indi-

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 prac-
6 ticable after the employee is aware of the need
7 for such period.

8 (2) CERTIFICATION IN GENERAL.—

9 (A) PROVISION.—

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

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;

9 (ii) the probable duration of the pe-
10 riod of time; and

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 INFORMA-
9 TION.—Nothing in this Act shall be con-
10 strued to require a health care provider to
11 disclose information in violation of section
12 1177 of the Social Security Act (42 U.S.C.
13 1320d–6) or the regulations promulgated
14 pursuant to section 264(c) of the Health
15 Insurance Portability and Accountability
16 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—

1 (I) be maintained on a separate
2 form and in a separate file from other
3 personnel information;

4 (II) be treated as a confidential
5 medical record; and

6 (III) not be disclosed except to
7 the affected employee or with the per-
8 mission of the affected employee.

9 (3) CERTIFICATION IN THE CASE OF DOMESTIC
10 VIOLENCE, SEXUAL ASSAULT, OR STALKING.—

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.

21

1 (ii) A court order protecting or sepa-
2 rating the employee, or such an individual
3 with respect to the employee, from the per-
4 petration of an act of domestic violence,
5 sexual assault, or stalking, or other evi-
6 dence from the court or prosecuting attor-
7 ney that the employee, or an individual de-
8 scribed in subsection (b)(4)(A) with re-
9 spect to the employee, has appeared in
10 court or is scheduled to appear in court in
11 a proceeding related to domestic violence,
12 sexual assault, or stalking.

13 (iii) Other documentation signed by
14 an employee or volunteer working for a vic-
15 tim services organization, an attorney, a
16 police officer, a medical professional, a so-
17 cial worker, an antiviolence counselor, or a
18 member of the clergy, affirming that the
19 employee, or an individual described in
20 subsection (b)(4)(A) with respect to the
21 employee, is a victim of domestic violence,
22 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 employment 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.

1 (B) OBLIGATION TO KEEP AND PRESERVE
2 RECORDS.—An employer shall make, keep, and
3 preserve records pertaining to compliance with
4 this Act in accordance with section 11(c) of the
5 Fair Labor Standards Act of 1938 (29 U.S.C.
6 211(c)) and in accordance with regulations pre-
7 scribed by the Secretary.

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).

1 (3) CIVIL ACTION BY EMPLOYEES OR INDIVID-
2 UALS.—

(A) RIGHT OF ACTION.—An action to recover the damages or equitable relief prescribed in subparagraph (B) may be maintained against any employer in any Federal or State court of competent jurisdiction by an employee or individual or a representative for and on behalf of—

10 (i) the employee or individual; or

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

(B) LIABILITY.—Any employer who violates section 5 (including a violation relating to rights provided under section 3) shall be liable to any employee or individual affected—

17 (i) for damages equal to—

18 (I) the amount of—

(aa) any wages, salary, employment benefits, or other compensation denied or lost by reason of the violation; or

(bb) in a case in which wages, salary, employment benefits, 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

1 (B) to award such other equitable relief as
2 may be appropriate, including employment, re-
3 instatement, and promotion.

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

8 (8) GOVERNMENT ACCOUNTABILITY OFFICE
9 AND LIBRARY OF CONGRESS.—Notwithstanding any
10 other provision of this subsection, in the case of the
11 Government Accountability Office and the Library of
12 Congress, the authority of the Secretary of Labor
13 under this subsection shall be exercised respectively
14 by the Comptroller General of the United States and
15 the Librarian of Congress.

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.—

1 (1) WAIVER OF SOVEREIGN IMMUNITY.—A
2 State’s receipt or use of Federal financial assistance
3 for any program or activity of a State shall con-
4 stitute a waiver of sovereign immunity, under the
5 11th Amendment to the Constitution or otherwise,
6 to a suit brought by an employee of that program
7 or activity under this Act for equitable, legal, or
8 other relief authorized under this Act.

9 (2) OFFICIAL CAPACITY.—An official of a State
10 may be sued in the official capacity of the official by
11 any employee who has complied with the procedures
12 under subsection (a)(3), for injunctive relief that is
13 authorized under this Act. In such a suit the court
14 may award to the prevailing party those costs au-
15 thorized by section 722 of the Revised Statutes (42
16 U.S.C. 1988).

17 (3) APPLICABILITY.—With respect to a par-
18 ticular program or activity, paragraph (1) applies to
19 conduct occurring on or after the day, after the date
20 of enactment of this Act, on which a State first re-
21 ceives or uses Federal financial assistance for that
22 program or activity.

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) COMPILATION 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 indi-
23 viduals 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.—

1 (1) AUTHORITY.—Not later than 90 days after
2 the Secretary prescribes regulations under sub-
3 section (a), the President (or the designee of the
4 President) shall prescribe such regulations as are
5 necessary to carry out this Act with respect to em-
6 ployees described in section 2(5)(D) and other indi-
7 viduals affected by employers described in section
8 2(6)(A)(i)(IV).

9 (2) AGENCY REGULATIONS.—The regulations
10 prescribed under paragraph (1) shall be the same as
11 substantive regulations promulgated by the Sec-
12 retary to carry out this Act except insofar as the
13 President (or designee) may determine, for good
14 cause shown and stated together with the regula-
15 tions prescribed under paragraph (1), that a modi-
16 fication of such regulations would be more effective
17 for the implementation of the rights and protections
18 involved under this section.

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

21 (1) AUTHORITY.—Not later than 90 days after
22 the Secretary prescribes regulations under sub-
23 section (a), the Director of the Office of Personnel
24 Management shall prescribe such regulations as are
25 necessary to carry out this Act with respect to em-

1 ployees 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

1 (3) the date that occurs 18 months after the
2 date of issuance of regulations under section
3 12(a)(1).