

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. 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

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:

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

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

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;

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;

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;

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-

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.

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) 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 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

