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 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the “Healthy Families Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) CHILD.—The term “child” means a biological, foster, or adopted child, a stepchild, a child of a domestic partner, a legal ward, or a child of a person standing in loco parentis.
(2) COMMERCE.—The terms “commerce” and “industry or activity affecting commerce” mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include “commerce” and any “industry affecting commerce”, as defined in paragraphs (1) and (3) of section 501 of the Labor Management Relations Act, 1947 (29 U.S.C. 142 (1) and (3)).

(3) DOMESTIC PARTNER.—

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

(B) COMMITTED RELATIONSHIP DEFINED.—The term “committed relationship” means a relationship between 2 individuals, each at least 18 years of age, in which each individual is the other individual’s sole domestic partner and both individuals share responsibility for a significant measure of each other’s common welfare. The term includes any such relationship between 2 individuals, including individuals of the same sex, that is granted legal recognition by a State or political subdivision of
a State as a marriage or analogous relationship,
including a civil union or domestic partnership.

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

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

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

(ii) an employee of the Government Ac-
countability Office; or
(iii) an employee of a covered employer described in paragraph (6)(B)(i)(V) who performs work that has been traditionally performed by employees in a railroad industry craft or class recognized under the Ninth paragraph of section 2 of the Railway Labor Act (45 U.S.C. 152), including any employee who performs—

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

(II) maintenance of way work;

(III) signal work;

(IV) work for purposes of the inspection, maintenance, repair, or cleaning of locomotives, rail maintenance facilities, rail-related equipment, or rail cars;

(V) dispatching work;

(VI) work with respect to the movement of equipment within a rail yard; or

(VII) rail clerical or communications work;

(B) a State employee described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a));

(C) a covered employee, as defined in section 101 of the Congressional Accountability
Act of 1995 (2 U.S.C. 1301), other than an applicant for employment;

(D) a covered employee, as defined in section 411(c) of title 3, United States Code; or

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

(6) EMPLOYER.—

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

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

(II) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991;

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

(IV) an employing office, as defined in section 411(c) of title 3, United States Code; or
(V) an employing agency covered under subchapter V of chapter 63 of title 5, United States Code; and

(ii) engaged in commerce (including government), or an industry or activity affecting commerce (including government).

(B) COVERED EMPLOYER.—

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

(I) means any person engaged in commerce or in any industry or activity affecting commerce who employs 15 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding year;

(II) means a smaller employer, to which the special rule in paragraph (3) of section 3(a) applies;

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

(IV) includes—

(aa) any person who acts, directly or indirectly, in the inter-
est of an employer covered by
this clause to any of the employ-
ees of such employer; and

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

(V) includes any rail carrier.

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

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

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

(II) PERSON.—The term “per-
son” has the meaning given such term
in section 3(a) of the Fair Labor
Standards Act of 1938 (29 U.S.C.
203(a)).
(III) SMALLER EMPLOYER.—The term “smaller employer” means any person engaged in commerce or in any industry or activity affecting commerce who employs fewer than 15 employees for each working day during each of 20 or more calendar work-weeks in the preceding year.

(C) PREDECESSORS.—Any reference in this paragraph to an employer, including such a smaller employer, shall include a reference to any predecessor of such employer.

(7) EMPLOYMENT BENEFITS.—The term “employment benefits” means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an “employee benefit plan”, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)).

(8) HEALTH CARE PROVIDER.—The term “health care provider” means a provider who—
(A)(i) is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

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

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

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

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

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

(i) the regular rate of pay of the employee;

(ii) the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)); or
(iii) the rate specified in the applicable State or local minimum wage law.

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

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

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

(13) SEXUAL ASSAULT.—The term “sexual assault” has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)).

(14) SPOUSE.—The term “spouse”, with respect to an employee, has the meaning given such term by the marriage laws of the State in which the marriage was celebrated.

(15) STALKING.—The term “stalking” has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)).
(16) **STATE.**—The term “State” has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(17) **UNPAID SICK TIME.**—The term “unpaid sick time” means the leave earned and used in the same manner and under the same conditions and procedures as paid sick time for the purposes of this Act, except that no compensation shall be paid.

(18) **VICTIM SERVICES ORGANIZATION.**—The term “victim services organization” means a non-profit, nongovernmental organization that provides assistance to victims of domestic violence, sexual assault, or stalking or advocates for such victims, including a rape crisis center, an organization carrying out a domestic violence, sexual assault, or stalking prevention or treatment program, an organization operating a shelter or providing counseling services, or a legal services organization or other organization providing assistance through the legal process.

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

(a) **EARNING OF PAID SICK TIME.**—

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

(2) EXEMPT EMPLOYEES.—

(A) IN GENERAL.—Except as provided in
subparagraph (B), for purposes of this section,
an employee who is exempt from overtime re-
quirements under section 13(a)(1) of the Fair
213(a)(1)) shall be deemed to work 40 hours in
each workweek.

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

(3) SPECIAL RULE FOR SMALLER EMPLOY-
ERS.—A smaller employer, as defined in section
2(6)(B)(iii), may provide paid sick time as provided
under paragraph (1) but if such smaller employer
opts not to do so, the smaller employer shall provide
not fewer than 56 hours of unpaid sick time to each
employee per year to be used for the same purposes
and under the same conditions and procedures as set
out in this Act. The provision and earning of unpaid sick time shall be treated in all respects the same as the provision and earning of paid sick time under this Act. References in this Act to paid sick time shall, with respect to such smaller employers, be deemed to be references to unpaid sick time.

(4) Dates for beginning to earn paid sick time and use.—Except as provided in the second sentence of paragraph (8), 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.

(5) Carryover.—

(A) In general.—Except as provided in subparagraph (B), paid sick time earned under
this section shall carry over from 1 year to the
next.

(B) CONSTRUCTION.—This Act shall not
be construed to require an employer to permit
an employee to earn more than 56 hours of
earned paid sick time in a calendar year.

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

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

(8) REINSTatement.—If an employee is sepa-
rated from employment with an employer and is re-
hired, within 12 months after that separation, by the
same employer, the employer shall reinstate the em-
ployee’s previously earned paid sick time. The em-
ployee shall be entitled to use the earned paid sick
time and earn additional paid sick time at the re-
commencement of employment with the employer.

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

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

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

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

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

(A) has any of the conditions or needs for
diagnosis or care described in paragraph (1) or
(2);
(B) is required to attend—

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

(ii) a meeting at a place where the child, parent, spouse, domestic partner, or such other individual is receiving care necessitated by a health condition or disability of the child, parent, spouse, domestic partner, or such other individual;

(C) is in need of care and is typically cared for by an individual who is unable to provide care because the individual has any of conditions or needs for diagnosis or care described in paragraph (1) or (2); or

(D) is otherwise in need of care.

(4) An absence resulting from domestic violence, sexual assault, or stalking, if the time is to—

(A) seek medical attention for the employee or the employee’s child, parent, spouse, domestic partner, or an individual related to the employee as described in paragraph (3), to recover from physical or psychological injury or disability caused by domestic violence, sexual assault, or stalking;
(B) obtain or assist a child, a parent, a spouse, a domestic partner, or any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship in obtaining services from a victim services organization;

(C) obtain or assist a child, a parent, a spouse, a domestic partner, or any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship in obtaining psychological or other counseling;

(D) seek relocation; or

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

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

(d) PROCEDURES.—

(1) IN GENERAL.—Paid sick time shall be provided upon the oral or written request of an employee. Such request shall—
(A) include the expected duration of the period of such time; and

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

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

(2) CERTIFICATION IN GENERAL.—

(A) Provision.—

(i) In general.—Subject to subparagraph (C), an employer may require that a request for paid sick time under this section for a purpose described in paragraph (1), (2), or (3) of subsection (b) be supported by a certification issued by the health care provider of the eligible employee or of an individual described in subsection (b)(3), as appropriate, if the period of such time covers more than 3 consecutive workdays.

(ii) Timeliness.—The employee shall provide a copy of such certification to the employer in a timely manner, not later
than 30 days after the first day of the period of time. The employer shall not delay the commencement of the period of time on the basis that the employer has not yet received the certification.

(B) SUFFICIENT CERTIFICATION.—A certification provided under subparagraph (A) shall be sufficient if it states—

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

(ii) the probable duration of the period of time; and

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

(II) for purposes of such time under subsection (b)(2), the dates on which testing for a medical diagnosis or care is expected to be given and the duration of such testing or care; and

(III) for purposes of such time under subsection (b)(3), in the case of time to care for someone who is not a child, a statement that care is needed for an individual described in such subsection, and an
estimate of the amount of time that such

care is needed for such individual.

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

(D) CONFIDENTIALITY AND NONDISCLO-
sure.—

(i) PROTECTED HEALTH INFORMATION.—Nothing in this Act shall be con-
strued 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

(ii) HEALTH INFORMATION

RECORDS.—If an employer possesses
health information about an employee or
an employee’s child, parent, spouse, domes-
tic partner, or an individual related to the
employee as described in subsection (b)(3),
such information shall—
(I) be maintained on a separate form and in a separate file from other personnel information;

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

(III) not be disclosed except to the affected employee or with the permission of the affected employee.

(3) Certification in the case of domestic violence, sexual assault, or stalking.—

(A) In general.—An employer may require that a request for paid sick time under this section for a purpose described in subsection (b)(4) be supported by a form of documentation described in subparagraph (B) if the period of such time covers more than 3 consecutive workdays.

(B) Form of documentation.—A form of documentation described in this subparagraph is any one of the following:

(i) A police report indicating that the employee, or an individual described in subsection (b)(4)(A) with respect to the employee, was a victim of domestic violence, sexual assault, or stalking.
(ii) A court order protecting or separating the employee, or a such an individual with respect to the employee, from the perpetrator of an act of domestic violence, sexual assault, or stalking, or other evidence from the court or prosecuting attorney that the employee, or an individual described in subsection (b)(4)(A) with respect to the employee, has appeared in court or is scheduled to appear in court in a proceeding related to domestic violence, sexual assault, or stalking.

(iii) Other documentation signed by an employee or volunteer working for a victim services organization, an attorney, a police officer, a medical professional, a social worker, an antiviolence counselor, or a member of the clergy, affirming that the employee, or an individual described in subsection (b)(4)(A) with respect to the employee, is a victim of domestic violence, sexual assault, or stalking.

(C) REQUIREMENTS.—The requirements of paragraph (2) shall apply to certifications under this paragraph, except that—
(i) subparagraph (B)(iii) of such paragraph shall not apply;

(ii) the certification shall state the reason that the leave is required with the facts to be disclosed limited to the minimum necessary to establish a need for the employee to be absent from work, and the employee shall not be required to explain the details of the domestic violence, sexual assault, or stalking involved; and

(iii) with respect to confidentiality under subparagraph (D) of such paragraph, any information provided to the employer under this paragraph shall be confidential, except to the extent that any disclosure of such information is—

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

(II) otherwise required by applicable Federal or State law.

(D) SPECIFICATION OF DOCUMENTATION.—An employer may not specify which of the forms of documentation described in clause (i), (ii), or (iii) of subparagraph (B) is required
to be provided in order to satisfy the requirement under subparagraph (A).

SEC. 4. NOTICE REQUIREMENT.

(a) In General.—Each employer shall notify each employee and include in any employee handbook, information—

(1) describing paid sick time available to employees under this Act;

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

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

(4) that describes—

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

(B) how the employee can contact the Secretary (or other appropriate authority as described in section 6) if any of the rights are violated.

(b) Posting of Notice.—Each employer shall post and keep posted a notice, to be prepared or approved in accordance with procedures specified in regulations prescribed under section 12, setting forth excerpts from, or summaries of, the pertinent provisions of this Act includ-
ing the information described in paragraphs (1) through (4) of subsection (a).

(c) LOCATION.—The notice described under subsection (b) shall be posted—

(1) in conspicuous places on the premises of the employer, where notices to employees (including applicants) are customarily posted; and

(2) in employee handbooks.

(d) VIOLATION; PENALTY.—Any employer who willfully violates subsection (b) shall be subject to a civil fine in an amount not to exceed $100 for each separate offense.

SEC. 5. PROHIBITED ACTS.

(a) INTERFERENCE WITH RIGHTS.—

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

(A) discharging or discriminating against (including retaliating against) any individual, including a job applicant, for exercising, or attempting to exercise, any right provided under this Act;

(B) using the taking of paid sick time or unpaid sick time under this Act as a negative
factor in an employment action, such as hiring,
promotion, reducing hours or number of shifts,
or a disciplinary action; or

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

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

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

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

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

(3) has testified, or is about to testify, in any
inquiry or proceeding relating to any right provided
under this Act.
(c) CONSTRUCTION.—Nothing in this section shall be construed to state or imply that the scope of the activities prohibited by section 105 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2615) is less than the scope of the activities prohibited by this section.

SEC. 6. ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection—

(A) the term “employee” means an employee described in subparagraph (A) or (B) of section 2(5); and

(B) the term “employer” means an employer described in subclause (I) or (II) of section 2(6)(A)(i).

(2) INVESTIGATIVE AUTHORITY.—

(A) IN GENERAL.—To ensure compliance with the provisions of this Act, or any regulation or order issued under this Act, the Secretary shall have, subject to subparagraph (C), the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)), with respect to employers, employees, and other individuals affected by an employer.
(B) Obligation to keep and preserve records.—An employer shall make, keep, and preserve records pertaining to compliance with this Act in accordance with section 11(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(c)) and in accordance with regulations prescribed by the Secretary.

(C) Required submissions generally limited to an annual basis.—The Secretary shall not require, under the authority of this paragraph, an employer to submit to the Secretary any books or records more than once during any 12-month period, unless the Secretary has reasonable cause to believe there may exist a violation of this Act or any regulation or order issued pursuant to this Act, or is investigating a charge pursuant to paragraph (4).

(D) Subpoena authority.—For the purposes of any investigation provided for in this paragraph, the Secretary shall have the subpoena authority provided for under section 9 of the Fair Labor Standards Act of 1938 (29 U.S.C. 209).
(3) Civil action by employees or individuals.—

(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—

(i) the employee or individual; or

(ii) the employee or individual and 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—

(i) for damages equal to—

(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
not been denied or lost, any actual monetary losses sustained as a direct result of the violation up to a sum equal to 56 hours of wages or salary for the employee or individual;

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

(III) an additional amount as liquidated damages; and

(ii) for such equitable relief as may be appropriate, including employment, reinstatement, and promotion.

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

(4) ACTION BY THE SECRETARY.—

(A) ADMINISTRATIVE ACTION.—The Secretary shall receive, investigate, and attempt to resolve complaints of violations of section 5 (including a violation relating to rights provided
under section 3) in the same manner that the Secretary receives, investigates, and attempts to resolve complaints of violations of sections 6 and 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 and 207).

(B) CIVIL ACTION.—The Secretary may bring an action in any court of competent jurisdiction to recover the damages described in paragraph (3)(B)(i).

(C) SUMS RECOVERED.—Any sums recovered by the Secretary pursuant to subparagraph (B) shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to each employee or individual affected. Any such sums not paid to an employee or individual affected because of inability to do so within a period of 3 years shall be deposited into the Treasury of the United States as miscellaneous receipts.

(5) LIMITATION.—

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

(B) Willful Violation.—In the case of an action brought for a willful violation of section 5 (including a willful violation relating to rights provided under section 3), such action may be brought not later than 3 years after of the last event constituting the alleged violation for which such action is brought.

(C) Commencement.—In determining when an action is commenced under paragraph (3), (4), or (6) for the purposes of this paragraph, it shall be considered to be commenced on the date when the complaint is filed.

(6) Action for Injunction by Secretary.—The district courts of the United States shall have jurisdiction, for cause shown, in an action brought by the Secretary—

(A) to restrain violations of section 5 (including a violation relating to rights provided under section 3), including the restraint of any withholding of payment of wages, salary, employment benefits, or other compensation, plus interest, found by the court to be due to employees or individuals eligible under this Act; or
(B) to award such other equitable relief as may be appropriate, including employment, re-
instatement, and promotion.

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

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

(b) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—The powers, remedies, and procedures provided in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as defined in section 101 of that Act (2 U.S.C. 1301)), or any person, alleging a violation of section 202(a)(1) of that Act (2 U.S.C. 1312(a)(1)) shall be the powers, remedies, and procedures this Act provides to that Board, or any person, alleging an unlawful employment practice in viola-
tion of this Act against an employee described in section
2(5)(C).

(c) Employees Covered by Chapter 5 of Title
3, United States Code.—The powers, remedies, and
procedures provided in chapter 5 of title 3, United States
Code, to the President, the Merit Systems Protection
Board, or any person, alleging a violation of section
412(a)(1) of that title, shall be the powers, remedies, and
procedures this Act provides to the President, that Board,
or any person, respectively, alleging an unlawful employ-
ment practice in violation of this Act against an employee
described in section 2(5)(D).

(d) Employees Covered by Chapter 63 of Title
5, United States Code.—The powers, remedies, and
procedures provided in title 5, United States Code, to an
employing agency, provided in chapter 12 of that title to
the Merit Systems Protection Board, or provided in that
title to any person, alleging a violation of chapter 63 of
that title, shall be the powers, remedies, and procedures
this Act provides to that agency, that Board, or any per-
son, respectively, alleging an unlawful employment prac-
tice in violation of this Act against an employee described
in section 2(5)(E).

(e) Remedies for State Employees.—
(1) Waiver of sovereign immunity.—A State’s receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th Amendment to the Constitution or otherwise, to a suit brought by an employee of that program or activity under this Act for equitable, legal, or other relief authorized under this Act.

(2) Official capacity.—An official of a State may be sued in the official capacity of the official by any employee who has complied with the procedures under subsection (a)(3), for injunctive relief that is authorized under this Act. In such a suit the court may award to the prevailing party those costs authorized by section 722 of the Revised Statutes (42 U.S.C. 1988).

(3) Applicability.—With respect to a particular program or activity, paragraph (1) applies to conduct occurring on or after the day, after the date of enactment of this Act, on which a State first receives or uses Federal financial assistance for that program or activity.

(4) Definition of program or activity.—In this subsection, the term “program or activity” has

SEC. 7. EDUCATION AND OUTREACH.

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

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

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

(a) Compilation of Information.—The Commissioner of Labor Statistics of the Department of Labor shall annually compile and report to the Comptroller General of the United States information on—

(1) the amount of paid and unpaid sick time available to employees by occupation and type of employment establishment; and

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

(b) GAO Study.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Comptroller
General of the United States shall conduct a study
to evaluate the implementation of this Act. Such
study shall include an estimation of employees’ ac-
access to paid sick time, employees’ awareness of their
rights under this Act, and employers’ experiences
complying with this Act. Such study shall take into
account access, awareness and experiences of em-
ployees by race, ethnicity, gender, and occupation.

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

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

SEC. 9. EFFECT ON OTHER LAWS.

(a) FEDERAL AND STATE ANTIDISCRIMINATION
LAWS.—Nothing in this Act shall be construed to modify
or affect any Federal or State law prohibiting discrimina-
tion on the basis of race, religion, color, national origin, 
sex, age, disability, sexual orientation, gender identity, 
marital status, familial status, or any other protected sta-
tus.

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

SEC. 10. EFFECT ON EXISTING EMPLOYMENT BENEFITS.

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

(b) LESS PROTECTIVE.—The rights established for 
employees under this Act shall not be diminished by any 
contract, collective bargaining agreement, or any employ-
ment benefit program or plan.
SEC. 11. ENCOURAGEMENT OF MORE GENEROUS LEAVE POLICIES.

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

SEC. 12. REGULATIONS.

(a) IN GENERAL.—

(1) Authority.—Except as provided in paragraph (2), not later than 180 days after the date of enactment of this Act, the Secretary shall prescribe such regulations as are necessary to carry out this Act with respect to employees described in subparagraph (A) or (B) of section 2(5) and other individuals affected by employers described in subclause (I) or (II) of section 2(6)(A)(i).

(2) Government Accountability Office; Library of Congress.—The Comptroller General of the United States and the Librarian of Congress shall prescribe the regulations with respect to employees of the Government Accountability Office and the Library of Congress, respectively, and other individuals affected by the Comptroller General of the United States and the Librarian of Congress, respectively.
(b) Employees Covered by Congressional Accountability Act of 1995.—

(1) Authority.—Not later than 90 days after the Secretary prescribes regulations under subsection (a), the Board of Directors of the Office of Compliance shall prescribe (in accordance with section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384)) such regulations as are necessary to carry out this Act with respect to employees described in section 2(5)(C) and other individuals affected by employers described in section 2(6)(A)(i)(III).

(2) Agency Regulations.—The regulations prescribed under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary to carry out this Act except insofar as the Board may determine, for good cause shown and stated together with the regulations prescribed under paragraph (1), that a modification of such regulations would be more effective for the implementation of the rights and protections involved under this section.

(e) Employees Covered by Chapter 5 of Title 3, United States Code.—
(1) AUTHORITY.—Not later than 90 days after
the Secretary prescribes regulations under sub-
section (a), the President (or the designee of the
President) shall prescribe such regulations as are
necessary to carry out this Act with respect to em-
ployees described in section 2(5)(D) and other indi-
viduals affected by employers described in section

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

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

(1) AUTHORITY.—Not later than 90 days after
the Secretary prescribes regulations under sub-
section (a), the Director of the Office of Personnel
Management shall prescribe such regulations as are
necessary to carry out this Act with respect to em-
ployees described in section 2(5)(E) and other indi-
2 viduals affected by employers described in section
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(2) AGENCY REGULATIONS.—The regulations
prescribed under paragraph (1) shall be the same as
substantive regulations promulgated by the Sec-
retary to carry out this Act except insofar as the Di-
rector may determine, for good cause shown and
stated together with the regulations prescribed
under paragraph (1), that a modification of such
regulations would be more effective for the imple-
mentation of the rights and protections involved
under this section.

SEC. 13. EFFECTIVE DATES.
(a) EFFECTIVE DATE.—This Act shall take effect 6
months after the date of issuance of regulations under sec-
tion 12(a)(1).

(b) COLLECTIVE BARGAINING AGREEMENTS.—In the
case of a collective bargaining agreement in effect on the
effective date prescribed by subsection (a), this Act shall
take effect on the earlier of—
(1) the date of the termination of such agree-
ment;
(2) the date of any amendment, made on or
after such effective date, to such agreement; or
(3) the date that occurs 18 months after the date of issuance of regulations under section 12(a)(1).