

116TH CONGRESS  
1ST SESSION

# S. 3071

To amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to permit leave to care for a domestic partner, parent-in-law, or adult child, or another related individual, who has a serious health condition, and to allow employees to take, as additional leave, parental involvement and family wellness leave to participate in or attend their children's and grandchildren's educational and extracurricular activities or meet family care needs.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 17, 2019

Mr. DURBIN (for himself, Mr. BLUMENTHAL, Ms. DUCKWORTH, Mr. LEAHY, Ms. HARRIS, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to permit leave to care for a domestic partner, parent-in-law, or adult child, or another related individual, who has a serious health condition, and to allow employees to take, as additional leave, parental involvement and family wellness leave to participate in or attend their children's and grandchildren's educational and extracurricular activities or meet family care needs.

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 “Family Medical Leave  
 5       Modernization Act”.

6       **SEC. 2. LEAVE TO CARE FOR A DOMESTIC PARTNER, SON-**  
 7                       **IN-LAW, DAUGHTER-IN-LAW, PARENT-IN-LAW,**  
 8                       **ADULT CHILD, GRANDPARENT, GRANDCHILD,**  
 9                       **OR SIBLING OF THE EMPLOYEE, OR AN-**  
 10                      **OTHER RELATED INDIVIDUAL.**

11       (a) DEFINITIONS.—

12               (1) INCLUSION OF RELATED INDIVIDUALS.—

13       Section 101 of such Act is further amended by add-  
 14       ing at the end the following:

15               “(20) ANY OTHER INDIVIDUAL RELATED BY  
 16       BLOOD OR AFFINITY WHOSE CLOSE ASSOCIATION IS  
 17       THE EQUIVALENT OF A FAMILY RELATIONSHIP.—

18       The term ‘any other individual related by blood or  
 19       affinity whose close association is the equivalent of  
 20       a family relationship’, used with respect to an em-  
 21       ployee, means any person with whom the employee  
 22       has a significant personal bond that is or is like a  
 23       family relationship, regardless of biological or legal  
 24       relationship.

1           “(21) DOMESTIC PARTNER.—The term ‘domes-  
2       tic partner’, used with respect to an employee,  
3       means—

4           “(A) the person recognized as the domestic  
5       partner of the employee under any domestic  
6       partnership or civil union law of a State or po-  
7       litical subdivision of a State; or

8           “(B) in the case of an unmarried em-  
9       ployee, an unmarried adult person who is in a  
10      committed, personal relationship with the em-  
11      ployee, is not a domestic partner as described  
12      in subparagraph (A) to or in such a relation-  
13      ship with any other person, and who is des-  
14      ignated to the employer by such employee as  
15      that employee’s domestic partner.

16          “(22) GRANDCHILD.—The term ‘grandchild’  
17      means the son or daughter of an employee’s son or  
18      daughter.

19          “(23) GRANDPARENT.—The term ‘grandparent’  
20      means a parent of a parent of an employee.

21          “(24) NEPHEW; NIECE.—The terms ‘nephew’  
22      and ‘niece’, used with respect to an employee, mean  
23      a son or daughter of the employee’s sibling.

1           “(25) PARENT-IN-LAW.—The term ‘parent-in-  
2 law’ means a parent of the spouse or domestic part-  
3 ner of an employee.

4           “(26) SIBLING.—The term ‘sibling’ means any  
5 person who is a son or daughter of an employee’s  
6 parent (other than the employee).

7           “(27) SON-IN-LAW; DAUGHTER-IN-LAW.—The  
8 terms ‘son-in-law’ and ‘daughter-in-law’, used with  
9 respect to an employee, mean any person who is a  
10 spouse or domestic partner of a son or daughter, as  
11 the case may be, of the employee.

12           “(28) UNCLE; AUNT.—The terms ‘uncle’ and  
13 ‘aunt’, used with respect to an employee, mean the  
14 son or daughter, as the case may be, of the employ-  
15 ee’s grandparent (other than the employee’s par-  
16 ent).”.

17           (2) INCLUSION OF ADULT CHILDREN AND CHIL-  
18 DREN OF A DOMESTIC PARTNER.—Section 101(12)  
19 of such Act (29 U.S.C. 2611(12)) is amended—

20                   (A) by inserting “a child of an individual’s  
21 domestic partner,” after “a legal ward,”; and

22                   (B) by striking “who is—” and all that  
23 follows and inserting “and includes an adult  
24 child.”.

1 (b) LEAVE REQUIREMENT.—Section 102 of the Fam-  
2 ily and Medical Leave Act of 1993 (29 U.S.C. 2612) is  
3 amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1)—

6 (i) in subparagraph (C), by striking  
7 “spouse, or a son, daughter, or parent, of  
8 the employee, if such spouse, son, daugh-  
9 ter, or parent” and inserting “spouse or  
10 domestic partner, or a son or daughter,  
11 son-in-law, daughter-in-law, parent, par-  
12 ent-in-law, grandparent, grandchild, sib-  
13 ling, uncle or aunt, or nephew or niece of  
14 the employee, or any other individual re-  
15 lated by blood or affinity whose close asso-  
16 ciation is the equivalent of a family rela-  
17 tionship with the employee, if such spouse,  
18 domestic partner, son or daughter, son-in-  
19 law, daughter-in-law, parent, parent-in-law,  
20 grandparent, grandchild, sibling, uncle or  
21 aunt, or nephew or niece, or such other in-  
22 dividual”; and

23 (ii) in subparagraph (E), by striking  
24 “spouse, or a son, daughter, or parent of  
25 the employee” and inserting “spouse or do-

1           mestic partner, or a son or daughter, son-  
 2           in-law, daughter-in-law, parent, parent-in-  
 3           law, grandchild, sibling, uncle or aunt, or  
 4           nephew or niece of the employee, or any  
 5           other individual related by blood or affinity  
 6           whose close association is the equivalent of  
 7           a family relationship with the employee”;  
 8           and

9           (B) in paragraph (3), by striking “spouse,  
 10          son, daughter, parent, or next of kin of a cov-  
 11          ered servicemember” and inserting “spouse or  
 12          domestic partner, son or daughter, son-in-law,  
 13          daughter-in-law, parent, parent-in-law, grand-  
 14          parent, sibling, uncle or aunt, nephew or niece,  
 15          or next of kin of a covered servicemember, or  
 16          any other individual related by blood or affinity  
 17          whose close association is the equivalent of a  
 18          family relationship with the covered service-  
 19          member”;

20          (2) in subsection (e)—

21               (A) in paragraph (2)(A), by striking “son,  
 22          daughter, spouse, parent, or covered service-  
 23          member of the employee, as appropriate” and  
 24          inserting “son or daughter, son-in-law, daugh-  
 25          ter-in-law, spouse or domestic partner, parent,

parent-in-law, grandparent, grandchild, sibling,  
 uncle or aunt, nephew or niece, or covered serv-  
 icemember of the employee, or any other indi-  
 vidual related by blood or affinity whose close  
 association is the equivalent of a family rela-  
 tionship with the employee, as appropriate”;  
 and

(B) in paragraph (3), by striking “spouse,  
 or a son, daughter, or parent, of the employee”  
 and inserting “spouse or domestic partner, or a  
 son or daughter, son-in-law, daughter-in-law,  
 parent, parent-in-law, grandchild, sibling, uncle  
 or aunt, or nephew or niece of the employee, or  
 any other individual related by blood or affinity  
 whose close association is the equivalent of a  
 family relationship with the employee, as appro-  
 priate,”; and

(3) in subsection (f)—

(A) in paragraph (1)—

(i) in the matter preceding subpara-  
 graph (A), by inserting “, or domestic  
 partners,” after “husband and wife”; and

(ii) in subparagraph (B), by inserting  
 “or parent-in-law” after “parent”; and

1 (B) in paragraph (2), by inserting “, or  
 2 those domestic partners,” after “husband and  
 3 wife” each place it appears.

4 (c) CERTIFICATION.—Section 103 of the Family and  
 5 Medical Leave Act of 1993 (29 U.S.C. 2613) is amend-  
 6 ed—

7 (1) in subsection (a), by striking “son, daugh-  
 8 ter, spouse, or parent of the employee, or of the next  
 9 of kin of an individual in the case of leave taken  
 10 under such paragraph (3), as appropriate” and in-  
 11 serting “son or daughter, son-in-law, daughter-in-  
 12 law, spouse or domestic partner, parent, parent-in-  
 13 law, grandparent, grandchild, sibling, uncle or aunt,  
 14 or nephew or niece of the employee, or the next of  
 15 kin of an individual, or any other individual related  
 16 by blood or affinity whose close association is the  
 17 equivalent of a family relationship with the em-  
 18 ployee, as appropriate”; and

19 (2) in subsection (b)—

20 (A) in paragraph (4)(A), by striking “son,  
 21 daughter, spouse, or parent and an estimate of  
 22 the amount of time that such employee is need-  
 23 ed to care for the son, daughter, spouse, or par-  
 24 ent” and inserting “son or daughter, son-in-  
 25 law, daughter-in-law, spouse or domestic part-

ner, parent, parent-in-law, grandparent, grandchild, sibling, uncle or aunt, or nephew or niece of the employee, or any other individual related by blood or affinity whose close association is the equivalent of a family relationship with the employee, as appropriate, and an estimate of the amount of time that such employee is needed to care for such son or daughter, son-in-law, daughter-in-law, spouse or domestic partner, parent, parent-in-law, grandparent, grandchild, sibling, uncle or aunt, or nephew or niece, or such other individual”; and

(B) in paragraph (7), by striking “son, daughter, parent, or spouse who has a serious health condition, or will assist in their recovery,” and inserting “son or daughter, son-in-law, daughter-in-law, spouse or domestic partner, parent, parent-in-law, grandparent, grandchild, sibling, uncle or aunt, or nephew or niece, with a serious health condition, of the employee, or an individual, with a serious health condition, who is any other individual related by blood or affinity whose close association is the equivalent of a family relationship with the em-

1           employee, as appropriate, or will assist in the re-  
2           covery,”.

3           (d) EMPLOYMENT AND BENEFITS PROTECTION.—  
4   Section 104(c)(3) of the Family and Medical Leave Act  
5   of 1993 (29 U.S.C. 2614(c)(3)) is amended—

6           (1) in subparagraph (A)(i), by striking “son,  
7           daughter, spouse, or parent of the employee, as ap-  
8           propriate,” and inserting “son or daughter, son-in-  
9           law, daughter-in-law, spouse or domestic partner,  
10          parent, parent-in-law, grandparent, grandchild, sib-  
11          ling, uncle or aunt, or nephew or niece of the em-  
12          ployee, or any other individual related by blood or  
13          affinity whose close association is the equivalent of  
14          a family relationship with the employee, as appro-  
15          priate,”; and

16          (2) in subparagraph (C)(ii), by striking “son,  
17          daughter, spouse, or parent” and inserting “employ-  
18          ee’s son or daughter, son-in-law, daughter-in-law,  
19          spouse or domestic partner, parent, parent-in-law,  
20          grandparent, grandchild, sibling, uncle or aunt, or  
21          nephew or niece, or (with relation to the employee)  
22          any other individual related by blood or affinity  
23          whose close association is the equivalent of a family  
24          relationship, as appropriate,”.

1 **SEC. 3. LEAVE TO CARE FOR A DOMESTIC PARTNER, SON-**  
2 **IN-LAW, DAUGHTER-IN-LAW, PARENT-IN-LAW,**  
3 **ADULT CHILD, GRANDPARENT, GRANDCHILD,**  
4 **OR SIBLING OF THE EMPLOYEE, OR AN-**  
5 **OTHER RELATED INDIVIDUAL FOR FEDERAL**  
6 **EMPLOYEES.**

7 (a) DEFINITIONS.—

8 (1) INCLUSION OF A DOMESTIC PARTNER, SON-  
9 IN-LAW, DAUGHTER-IN-LAW, PARENT-IN-LAW, ADULT  
10 CHILD, GRANDPARENT, GRANDCHILD, OR SIBLING  
11 OF THE EMPLOYEE, OR ANOTHER INDIVIDUAL RE-  
12 LATED BY BLOOD OR AFFINITY.—Section 6381 of  
13 title 5, United States Code, is amended—

14 (A) in paragraph (11) by striking “; and”  
15 and inserting a semicolon;

16 (B) in paragraph (12), by striking the pe-  
17 riod and inserting a semicolon; and

18 (C) by adding at the end the following:

19 “(13) the term ‘any other individual related by  
20 blood or affinity whose close association is the equiv-  
21 alent of a family relationship’, used with respect to  
22 an employee, means any person with whom the em-  
23 ployee has a significant personal bond that is or is  
24 like a family relationship, regardless of biological or  
25 legal relationship;

1           “(14) the term ‘domestic partner’, used with re-  
2           spect to an employee, means—

3                   “(A) the person recognized as the domestic  
4           partner of the employee under any domestic  
5           partnership or civil union law of a State or po-  
6           litical subdivision of a State; or

7                   “(B) in the case of an unmarried em-  
8           ployee, an unmarried adult person who is in a  
9           committed, personal relationship with the em-  
10          ployee, is not a domestic partner as described  
11          in subparagraph (A) or in such a relationship  
12          with any other person, and who is designated to  
13          the employing agency by such employee as that  
14          employee’s domestic partner;

15           “(15) the term ‘grandchild’ means the son or  
16          daughter of an employee’s son or daughter;

17           “(16) the term ‘grandparent’ means a parent of  
18          a parent of an employee;

19           “(17) the terms ‘nephew’ and ‘niece’, used with  
20          respect to an employee, mean a son or daughter of  
21          the employee’s sibling;

22           “(18) the term ‘parent-in-law’ means a parent  
23          of the spouse or domestic partner of an employee;

1 “(19) the term ‘sibling’ means any person who  
 2 is a son or daughter of an employee’s parent (other  
 3 than the employee);

4 “(20) the terms ‘son-in-law’ and ‘daughter-in-  
 5 law’, used with respect to an employee, mean any  
 6 person who is a spouse or domestic partner of a son  
 7 or daughter, as the case may be, of the employee;

8 “(21) the term ‘State’ has the same meaning  
 9 given the term in section 3 of the Fair Labor Stand-  
 10 ards Act of 1938 (29 U.S.C. 203); and

11 “(22) the terms ‘uncle’ and ‘aunt’, used with  
 12 respect to an employee, mean the son or daughter,  
 13 as the case may be, of the employee’s grandparent  
 14 (other than the employee’s parent).”.

15 (2) INCLUSION OF ADULT CHILDREN AND CHIL-  
 16 DREN OF A DOMESTIC PARTNER.—Section 6381(6)  
 17 of such title is amended—

18 (A) by inserting “a child of an individual’s  
 19 domestic partner,” after “a legal ward,”; and

20 (B) by striking “who is—” and all that  
 21 follows and inserting “and includes an adult  
 22 child”.

23 (b) LEAVE REQUIREMENT.—Section 6382 of title 5,  
 24 United States Code, is amended—

25 (1) in subsection (a)—

1 (A) in paragraph (1)—

2 (i) in subparagraph (C), by striking  
3 “spouse, or a son, daughter, or parent, of  
4 the employee, if such spouse, son, daugh-  
5 ter, or parent” and inserting “spouse or  
6 domestic partner, or a son or daughter,  
7 son-in-law, daughter-in-law, parent, par-  
8 ent-in-law, grandparent, grandchild, sib-  
9 ling, uncle or aunt, or nephew or niece of  
10 the employee, or any other individual re-  
11 lated by blood or affinity whose close asso-  
12 ciation with the employee is the equivalent  
13 of a family relationship, if such spouse, do-  
14 mestic partner, son or daughter, son-in-  
15 law, daughter-in-law, parent, parent-in-law,  
16 grandparent, grandchild, sibling, uncle or  
17 aunt, or nephew or niece, or such other in-  
18 dividual”; and

19 (ii) in subparagraph (E), by striking  
20 “spouse, or a son, daughter, or parent of  
21 the employee” and inserting “spouse or do-  
22 mestic partner, or a son or daughter, son-  
23 in-law, daughter-in-law, parent, parent-in-  
24 law, grandchild, sibling, uncle or aunt, or  
25 nephew or niece of the employee, or any

1           other individual related by blood or affinity  
2           whose close association is the equivalent of  
3           a family relationship with the employee”;  
4           and

5           (B) in paragraph (3), by striking “spouse,  
6           son, daughter, parent, or next of kin of a cov-  
7           ered servicemember” and inserting “spouse or  
8           domestic partner, son or daughter, son-in-law,  
9           daughter-in-law, parent, parent-in-law, grand-  
10          parent, sibling, uncle or aunt, nephew or niece,  
11          or next of kin of a covered servicemember, or  
12          any other individual related by blood or affinity  
13          whose close association is the equivalent of a  
14          family relationship with the covered service-  
15          member”; and

16          (2) in subsection (e)—

17               (A) in paragraph (2)(A), by striking “son,  
18               daughter, spouse, parent, or covered service-  
19               member of the employee, as appropriate” and  
20               inserting “son or daughter, son-in-law, daugh-  
21               ter-in-law, spouse or domestic partner, parent,  
22               parent-in-law, grandparent, grandchild, sibling,  
23               uncle or aunt, nephew or niece, or covered serv-  
24               icemember of the employee, or any other indi-  
25               vidual related by blood or affinity whose close

1 association is the equivalent of a family rela-  
 2 tionship with the employee, as appropriate”;  
 3 and

4 (B) in paragraph (3), by striking “spouse,  
 5 or a son, daughter, or parent, of the employee”  
 6 and inserting “spouse or domestic partner, or a  
 7 son or daughter, son-in-law, daughter-in-law,  
 8 parent, parent-in-law, grandchild, sibling, uncle  
 9 or aunt, or nephew or niece of the employee, or  
 10 any other individual related by blood or affinity  
 11 whose close association is the equivalent of a  
 12 family relationship with the employee, as appro-  
 13 priate,”.

14 (c) CERTIFICATION.—Section 6383 of title 5, United  
 15 States Code, is amended—

16 (1) in subsection (a), by striking “son, daugh-  
 17 ter, spouse, or parent of the employee, as appro-  
 18 priate” and inserting “son or daughter, son-in-law,  
 19 daughter-in-law, spouse or domestic partner, parent,  
 20 parent-in-law, grandparent, grandchild, sibling,  
 21 uncle or aunt, or nephew or niece of the employee,  
 22 or any other individual related by blood or affinity  
 23 whose close association is the equivalent of a family  
 24 relationship with the employee, as appropriate”; and

1           (2) in subsection (b)(4)(A), by striking “son,  
 2       daughter, spouse, or parent, and an estimate of the  
 3       amount of time that such employee is needed to care  
 4       for such son, daughter, spouse, or parent” and in-  
 5       serting “son or daughter, son-in-law, daughter-in-  
 6       law, spouse or domestic partner, parent, parent-in-  
 7       law, grandparent, grandchild, sibling, uncle or aunt,  
 8       or nephew or niece of the employee, or any other in-  
 9       dividual related by blood or affinity whose close as-  
 10      sociation is the equivalent of a family relationship  
 11      with the employee, as appropriate, and an estimate  
 12      of the amount of time that such employee is needed  
 13      to care for such son or daughter, son-in-law, daugh-  
 14      ter-in-law, spouse or domestic partner, parent, par-  
 15      ent-in-law, grandparent, grandchild, sibling, uncle or  
 16      aunt, or nephew or niece, or such other individual”.

17 **SEC. 4. ENTITLEMENT TO ADDITIONAL LEAVE UNDER THE**  
 18 **FMLA FOR PARENTAL INVOLVEMENT AND**  
 19 **FAMILY WELLNESS.**

20       (a) **LEAVE REQUIREMENT.**—Section 102(a) of the  
 21 Family and Medical Leave Act of 1993 (29 U.S.C.  
 22 2612(a)), as amended by section 2(b), is further amend-  
 23 ed—

24           (1) by redesignating paragraph (5) as para-  
 25 graph (6); and

(2) by inserting after paragraph (4) the following new paragraph:

“(5) ENTITLEMENT TO ADDITIONAL LEAVE FOR PARENTAL INVOLVEMENT AND FAMILY WELLNESS.—

“(A) IN GENERAL.—Subject to subparagraph (B) and section 103(g), an eligible employee shall be entitled to leave under this paragraph to—

“(i) participate in or attend an activity that is sponsored by a school or community organization and relates to a program of the school or organization that is attended by a son or daughter or a grandchild of the employee; or

“(ii) meet routine family medical care needs (including by attending medical and dental appointments of the employee or a son or daughter, spouse, or grandchild of the employee) or attend to the care needs of an elderly individual who is related to the employee through a relationship described in section 102(a) (including by making visits to nursing homes or group homes).

1 “(B) LIMITATIONS.—

2 “(i) IN GENERAL.—An eligible em-  
3 ployee shall be entitled to—

4 “(I) not to exceed 4 hours of  
5 leave under this paragraph during any  
6 30-day period; and

7 “(II) not to exceed 24 hours of  
8 leave under this paragraph during any  
9 12-month period described in para-  
10 graph (4).

11 “(ii) COORDINATION RULE.—Leave  
12 under this paragraph shall be in addition  
13 to any leave provided under any other  
14 paragraph of this subsection.

15 “(C) DEFINITIONS.—As used in this para-  
16 graph:

17 “(i) COMMUNITY ORGANIZATION.—  
18 The term ‘community organization’ means  
19 a private nonprofit organization that is  
20 representative of a community or a signifi-  
21 cant segment of a community and provides  
22 activities for individuals described in sec-  
23 tion 101(12), such as a scouting or sports  
24 organization.

1                   “(ii) SCHOOL.—The term ‘school’  
 2                   means an elementary school or secondary  
 3                   school (as such terms are defined in sec-  
 4                   tion 8101 of the Elementary and Sec-  
 5                   ondary Education Act of 1965 (20 U.S.C.  
 6                   7801)), a Head Start program assisted  
 7                   under the Head Start Act (42 U.S.C. 9831  
 8                   et seq.), and a child care facility licensed  
 9                   under State law.”.

10           (b) SCHEDULE.—Section 102(b)(1) of such Act (29  
 11 U.S.C. 2612(b)(1)) is amended by inserting after the third  
 12 sentence the following new sentence: “Subject to sub-  
 13 section (e)(4) and section 103(g), leave under subsection  
 14 (a)(5) may be taken intermittently or on a reduced leave  
 15 schedule.”.

16           (c) SUBSTITUTION OF PAID LEAVE.—Section  
 17 102(d)(2) of such Act (29 U.S.C. 2612(d)(2)) is amended  
 18 by adding at the end the following new subparagraph:

19                   “(C) PARENTAL INVOLVEMENT LEAVE AND  
 20                   FAMILY WELLNESS LEAVE.—

21                   “(i) VACATION LEAVE; PERSONAL  
 22                   LEAVE; FAMILY LEAVE.—An eligible em-  
 23                   ployee may elect, or an employer may re-  
 24                   quire the employee, to substitute any of  
 25                   the accrued paid vacation leave, personal

1 leave, or family leave of the employee for  
2 any part of the period of leave under sub-  
3 section (a)(5).

4 “(ii) MEDICAL OR SICK LEAVE.—An  
5 eligible employee may elect, or an employer  
6 may require the employee, to substitute  
7 any of the accrued paid medical or sick  
8 leave of the employee for any part of the  
9 period of leave provided under clause (ii) of  
10 subsection (a)(5)(A), except that nothing  
11 in this title shall require an employer to  
12 provide paid sick leave or paid medical  
13 leave in any situation in which such em-  
14 ployer would not normally provide any  
15 such paid leave.

16 “(iii) PROHIBITION ON RESTRICTIONS  
17 AND LIMITATIONS.—If the employee elects  
18 or the employer requires the substitution  
19 of accrued paid leave for leave under sub-  
20 section (a)(5), the employer shall not re-  
21 strict or limit the leave that may be sub-  
22 stituted or impose any additional terms  
23 and conditions on the substitution of such  
24 leave that are more stringent for the em-

1                   ployee than the terms and conditions set  
2                   forth in this Act.”.

3           (d) NOTICE.—Section 102(e) of such Act (29 U.S.C.  
4 2612(e)), as amended by section 2(b), is further amended  
5 by adding at the end the following new paragraph:

6                   “(4) NOTICE RELATING TO PARENTAL IN-  
7           VOLVEMENT AND FAMILY WELLNESS LEAVE.—In  
8           any case in which an employee requests leave under  
9           paragraph (5) of subsection (a), the employee  
10          shall—

11                   “(A) provide the employer with not less  
12           than 7 days’ notice, or (if such notice is imprac-  
13           ticable) such notice as is practicable, before the  
14           date the leave is to begin, of the employee’s in-  
15           tention to take leave under such paragraph; and

16                   “(B) in the case of leave to be taken under  
17           subsection (a)(5)(A)(ii), make a reasonable ef-  
18           fort to schedule the activity or care involved so  
19           as not to disrupt unduly the operations of the  
20           employer, subject to the approval of the health  
21           care provider involved (if any).”.

22           (e) CERTIFICATION.—Section 103 of such Act (29  
23 U.S.C. 2613) is amended by adding at the end the fol-  
24          lowing new subsection:

1       “(g) CERTIFICATION RELATED TO PARENTAL IN-  
 2 VOLVEMENT AND FAMILY WELLNESS LEAVE.—An em-  
 3 ployer may require that a request for leave under section  
 4 102(a)(5) be supported by a certification issued at such  
 5 time and in such manner as the Secretary may by regula-  
 6 tion prescribe.”.

7       **SEC. 5. ENTITLEMENT OF FEDERAL EMPLOYEES TO LEAVE**  
 8                               **FOR PARENTAL INVOLVEMENT AND FAMILY**  
 9                               **WELLNESS.**

10       (a) LEAVE REQUIREMENT.—Section 6382(a) of title  
 11 5, United States Code, as amended by section 3(b), is fur-  
 12 ther amended by adding at the end the following new para-  
 13 graph:

14       “(5)(A) Subject to subparagraph (B) and section  
 15 6383(f), an employee shall be entitled to leave under this  
 16 paragraph to—

17               “(i) participate in or attend an activity that is  
 18 sponsored by a school or community organization  
 19 and relates to a program of the school or organiza-  
 20 tion that is attended by a son or daughter or a  
 21 grandchild of the employee; or

22               “(ii) meet routine family medical care needs  
 23 (including by attending medical and dental appoint-  
 24 ments of the employee or a son or daughter, spouse,  
 25 or grandchild of the employee) or to attend to the

1 care needs of an elderly individual who is related to  
2 the employee through a relationship described in sec-  
3 tion 6382(a) (including by making visits to nursing  
4 homes and group homes).

5 “(B)(i) An employee is entitled to—

6 “(I) not to exceed 4 hours of leave under this  
7 paragraph during any 30-day period; and

8 “(II) not to exceed 24 hours of leave under this  
9 paragraph during any 12-month period described in  
10 paragraph (4).

11 “(ii) Leave under this paragraph shall be in addition  
12 to any leave provided under any other paragraph of this  
13 subsection.

14 “(C) For the purpose of this paragraph—

15 “(i) the term ‘community organization’ means a  
16 private nonprofit organization that is representative  
17 of a community or a significant segment of a com-  
18 munity and provides activities for individuals de-  
19 scribed in section 6381(6), such as a scouting or  
20 sports organization; and

21 “(ii) the term ‘school’ means an elementary  
22 school or secondary school (as such terms are de-  
23 fined in section 8101 of the Elementary and Sec-  
24 ondary Education Act of 1965 (20 U.S.C. 7801)), a  
25 Head Start program assisted under the Head Start

1 Act (42 U.S.C. 9831 et seq.), and a child care facil-  
2 ity licensed under State law.”.

3 (b) SCHEDULE.—Section 6382(b)(1) of such title is  
4 amended—

5 (1) by inserting after the third sentence the fol-  
6 lowing new sentence: “Subject to subsection (e)(4)  
7 and section 6383(f), leave under subsection (a)(5)  
8 may be taken intermittently or on a reduced leave  
9 schedule.”; and

10 (2) in the last sentence, by striking “involved,”  
11 and inserting “involved (or, in the case of leave  
12 under subsection (a)(5), for purposes of the 30-day  
13 or 12-month period involved),”.

14 (c) SUBSTITUTION OF PAID LEAVE.—Section  
15 6382(d) of such title is amended—

16 (1) by inserting “(1)” after the subsection des-  
17 ignation; and

18 (2) by adding at the end the following:

19 “(2) An employee may elect, or an employer may re-  
20 quire the employee, to substitute for any part of the period  
21 of leave under subsection (a)(5), any of the employee’s ac-  
22 crued or accumulated annual or sick leave under sub-  
23 chapter I. If the employee elects or the employer requires  
24 the substitution of that accrued or accumulated annual or  
25 sick leave for leave under subsection (a)(5), the employing

1 agency shall not restrict or limit the leave that may be  
2 substituted or impose any additional terms and conditions  
3 on the substitution of such leave that are more stringent  
4 for the employee than the terms and conditions set forth  
5 in this subchapter.”.

6 (d) NOTICE.—Section 6382(e) of such title, as  
7 amended by section 3(b)(2), is further amended by adding  
8 at the end the following new paragraph:

9 “(4) In any case in which an employee requests leave  
10 under paragraph (5) of subsection (a), the employee  
11 shall—

12 “(A) provide the employing agency with not less  
13 than 7 days’ notice, or (if such notice is impracti-  
14 cable) such notice as is practicable, before the date  
15 the leave is to begin, of the employee’s intention to  
16 take leave under such paragraph; and

17 “(B) in the case of leave to be taken under sub-  
18 section (a)(5)(A)(ii), make a reasonable effort to  
19 schedule the activity or care involved so as not to  
20 disrupt unduly the operations of the employing agen-  
21 cy, subject to the approval of the health care pro-  
22 vider involved (if any).”.

- 1       (e) CERTIFICATION.—Section 6383(f) of such title is
- 2 amended by striking “paragraph (1)(E) or (3) of” and
- 3 inserting “paragraph (1)(E), (3) or (5) of”.

