

115TH CONGRESS
1ST SESSION

S. 528

To amend the Family and Medical Leave Act of 1993 to provide leave
because of the death of a son or daughter.

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2017

Mr. TESTER (for himself, Ms. BALDWIN, Mr. BOOKER, Mr. BLUMENTHAL,
Mr. COONS, Mr. DURBIN, Mr. FRANKEN, Mrs. GILLIBRAND, Ms.
HEITKAMP, Mr. MARKEY, Ms. WARREN, and Mr. WHITEHOUSE) intro-
duced the following bill; which was read twice and referred to the Com-
mittee on Health, Education, Labor, and Pensions

A BILL

To amend the Family and Medical Leave Act of 1993 to
provide leave because of the death of a son or daughter.

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 “Parental Bereavement
5 Act of 2017” or the “Sarah Grace-Farley-Kluger Act”.

6 **SEC. 2. FAMILY LEAVE BECAUSE OF THE DEATH OF A SON**
7 **OR DAUGHTER.**

8 (a) FAMILY LEAVE.—

(1) ENTITLEMENT TO LEAVE.—Section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) is amended by adding at the end the following new subparagraph:

“(F) Because of the death of a son or daughter.”.

(2) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the third sentence the following new sentence: “Leave under subsection (a)(1)(F) shall not be taken by an employee intermittently or on a reduced leave schedule unless the employee and the employer of the employee agree otherwise.”.

(B) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(B) of such Act (29 U.S.C. 2612(d)(2)(B)) is amended, in the first sentence, by striking “(C) or (D)” and inserting “(C), (D), or (F)”.

(C) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following new paragraph:

“(4) NOTICE FOR LEAVE DUE TO DEATH OF A SON OR DAUGHTER.—In any case in which the ne-

1 cessity for leave under subsection (a)(1)(F) is fore-
 2 seeable, the employee shall provide such notice to the
 3 employer as is reasonable and practicable.”.

4 (D) SPOUSES EMPLOYED BY SAME EM-
 5 PLOYER.—Section 102(f)(1)(A) of such Act (29
 6 U.S.C. 2612(f)(1)(A)) is amended by striking
 7 “subparagraph (A) or (B)” and inserting “sub-
 8 paragraph (A), (B), or (F)”.

9 (E) CERTIFICATION REQUIREMENTS.—
 10 Section 103 of such Act (29 U.S.C. 2613) is
 11 amended by adding at the end the following:

12 “(g) CERTIFICATION RELATED TO THE DEATH OF
 13 A SON OR DAUGHTER.—An employer may require that a
 14 request for leave under section 102(a)(1)(F) be supported
 15 by a certification issued at such time and in such manner
 16 as the Secretary may by regulation prescribe. If the Sec-
 17 retary issues a regulation requiring such certification, the
 18 employee shall provide, in a timely manner, a copy of such
 19 certification to the employer.”.

20 (F) FAILURE TO RETURN FROM LEAVE.—
 21 Section 104(c) of such Act (29 U.S.C. 2614(c))
 22 is amended—

23 (i) in paragraph (2)(B)(i), by insert-
 24 ing before the semicolon the following: “,

or a death that entitles the employee to
leave under section 102(a)(1)(F)”; and

(ii) in paragraph (3)(A)—

(I) in the matter preceding clause

(i), by inserting “, or the death,” before “described”;

(II) in clause (ii), by striking
“or” at the end;

(III) by redesignating clause (iii)
as clause (iv); and

(IV) by inserting after clause (ii)
the following:

“(iii) a certification that meets such
requirements as the Secretary may by reg-
ulation prescribe, in the case of an em-
ployee unable to return to work because of
a death specified in section 102(a)(1)(F);
or”.

(G) EMPLOYEES OF LOCAL EDUCATIONAL
AGENCIES.—Section 108 of such Act (29
U.S.C. 2618) is amended—

(i) in subsection (c)—

(I) in paragraph (1)—

(aa) in the matter preceding
subparagraph (A), by inserting

1 after “medical treatment” the
 2 following: “, or under section
 3 102(a)(1)(F) that is foresee-
 4 able,”; and

5 (bb) in subparagraph (A),
 6 by inserting after “to exceed” the
 7 following: “(except in the case of
 8 leave under section
 9 102(a)(1)(F))”; and

10 (II) in paragraph (2), by striking
 11 “section 102(e)(2)” and inserting
 12 “paragraphs (2) and (4) of section
 13 102(e), as applicable”; and

14 (ii) in subsection (d), in paragraphs
 15 (2) and (3), by striking “or (C)” each
 16 place it appears and inserting “(C), or
 17 (F)”.

18 (b) FAMILY LEAVE FOR CIVIL SERVICE EMPLOY-
 19 EES.—

20 (1) ENTITLEMENT TO LEAVE.—Section
 21 6382(a)(1) of title 5, United States Code, is amend-
 22 ed by adding at the end the following:

23 “(F) Because of the death of a son or daugh-
 24 ter.”.

25 (2) REQUIREMENTS RELATING TO LEAVE.—

1 (A) SCHEDULE.—Section 6382(b)(1) of
 2 such title is amended by inserting after the
 3 third sentence the following new sentence:
 4 “Leave under subsection (a)(1)(F) shall not be
 5 taken by an employee intermittently or on a re-
 6 duced leave schedule unless the employee and
 7 the employing agency of the employee agree
 8 otherwise.”.

9 (B) SUBSTITUTION OF PAID LEAVE.—Sec-
 10 tion 6382(d) of such title is amended, in the
 11 first sentence, by striking “or (E)” and insert-
 12 ing “(E), or (F)”.

13 (C) NOTICE.—Section 6382(e) of such title
 14 is amended by adding at the end the following
 15 new paragraph:

16 “(4) In any case in which the necessity for leave
 17 under subsection (a)(1)(F) is foreseeable, the employee
 18 shall provide such notice to the employing agency as is
 19 reasonable and practicable.”.

20 (D) CERTIFICATION REQUIREMENTS.—
 21 Section 6383 of such title is amended by adding
 22 at the end the following:

23 “(g) An employing agency may require that a request
 24 for leave under section 6382(a)(1)(F) be supported by a
 25 certification issued at such time and in such manner as

1 the Office of Personnel Management may by regulation
2 prescribe. If the Office issues a regulation requiring such
3 certification, the employee shall provide, in a timely man-
4 ner, a copy of such certification to the employer.”.

