

117TH CONGRESS 1ST SESSION

H. R. 5348

To establish eligibility requirements for education support professionals under the Family and Medical Leave Act of 1993, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

September 23, 2021

Mr. Casten (for himself, Mr. Lynch, Ms. Dean, Ms. Norton, Mr. San Nicolas, Mr. Foster, Mr. García of Illinois, Ms. Pingree, Mr. Fitzpatrick, and Mrs. Hayes) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on Oversight and Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish eligibility requirements for education support professionals under the Family and Medical Leave Act of 1993, and for other purposes.

- 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 "ESP Family Leave
- 5 Act".

SEC. 2. ELIGIBILITY FOR EDUCATION SUPPORT PROFES-2 SIONALS. 3 Section 101(2) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(2)) is amended by adding at the 4 5 end the following: 6 "(F) EDUCATION SUPPORT PROFES-7 SIONALS.-8 "(i) Determination.—For purposes 9 of determining whether an employee who is 10 an education support professional meets 11 the hours of service requirement specified 12 in subparagraph (A)(ii), the employee will 13 be considered to meet the requirement if 14 the employee has worked a number of 15 hours equal to not less than 60 percent of 16 the applicable total monthly hours expected 17 for the employee's job description and du-18 ties, as assigned for the previous school 19 year. 20 FILE.—Each employer of an 21 education support professional shall main-22 tain on file with the Secretary (in accord-23 ance with such regulations as the Sec-24 retary may prescribe) information speci-

fying the total monthly hours expected for

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1	the employee's job description and duties
2	for each school year.
3	"(iii) Definitions.—
4	"(I) Education support pro-
5	FESSIONAL.—In this subparagraph,
6	the term 'education support profes-
7	sional' means an employee within a
8	public school or public institution of
9	higher education, which may in-
10	clude—
11	"(aa) paraeducators that
12	provide instructional and non-in-
13	structional support;
14	"(bb) secretarial, clerical,
15	and administrative support staff;
16	"(ce) custodians and mainte-
17	nance service workers that pro-
18	vide building and grounds main-
19	tenance and repair;
20	"(dd) skilled trade workers
21	that provide services in schools,
22	such as electricians, carpenters,
23	and workers who operate machin-
24	ery;

1	"(ee) workers who provide
2	food service, including prepara-
3	tion and serving of food;
4	"(ff) workers who provide
5	school transportation and deliv-
6	ery services;
7	"(gg) computer, audiovisual,
8	and language technical support
9	staff;
10	"(hh) security staff;
11	"(ii) nursing, health, and
12	therapy support staff, who may
13	also provide community, family,
14	parent and welfare services; and
15	"(jj) other staff that may
16	serve public education students.
17	"(II) Public school.—In this
18	subparagraph, the term 'public school'
19	means a school that is maintained at
20	public expense for the education of
21	the children of a community or dis-
22	trict and that constitutes a part of a
23	system of free public education com-
24	monly including primary and sec-
25	ondary schools, including special edu-

1	cation cooperatives, alternative
2	schools, and other similar facilities.
3	"(III) Public institution of
4	HIGHER EDUCATION.—In this sub-
5	paragraph the term 'public institution
6	of higher education' means an institu-
7	tion of higher education, as defined in
8	section 101 of the Higher Education
9	Act of 1965 (20 U.S.C. 1001), that is
10	funded, at least partly, by State tax-
11	payers.".
12	SEC. 3. ENTITLEMENT TO LEAVE.
13	Section 102(a) of the Family and Medical Leave Act
14	of 1993 (29 U.S.C. 2612(a)) is amended by adding at the
15	end the following:

"(6) CALCULATION OF LEAVE FOR EDUCATION SUPPORT PROFESSIONALS.—The Secretary may provide a method for calculating the leave described in paragraph (1) with respect to employees described in section 101(2)(F).".