

116TH CONGRESS
2D SESSION

H. R. 6150

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 HOUSE OF REPRESENTATIVES

MARCH 9, 2020

Ms. DELAURO (for herself, Ms. SCHAKOWSKY, Mr. RYAN, Mr. NADLER, Ms. NORTON, Mrs. LOWEY, Mr. TAKANO, Ms. PRESSLEY, Ms. LEE of California, Ms. SPEIER, Ms. KAPTUR, Mrs. MCBATH, Mrs. HAYES, Mr. HASTINGS, Mr. FOSTER, Ms. WASSERMAN SCHULTZ, Ms. PINGREE, Ms. FRANKEL, Mrs. LAWRENCE, Mr. KHANNA, Mr. SMITH of Washington, Mr. LARSON of Connecticut, Ms. BROWNLEY of California, Mr. SOTO, Mr. ESPAILLAT, Mr. SUOZZI, Mr. BEYER, Mr. CLEAVER, Mr. RUSH, Mr. SCHIFF, Mr. GOMEZ, Mr. PASCRELL, Ms. BONAMICI, Mr. PANETTA, Mr. BLUMENAUER, Ms. SÁNCHEZ, Mr. LEVIN of Michigan, Mr. ENGEL, Mr. KILMER, Mr. LOWENTHAL, Ms. JUDY CHU of California, Mr. RASKIN, Mr. BERA, Ms. WEXTON, Ms. OMAR, Mrs. CAROLYN B. MALONEY of New York, Mr. DESAULNIER, Mrs. DINGELL, Ms. FUDGE, Mr. SEAN PATRICK MALONEY of New York, Mr. LANGEVIN, and Ms. MUCARSEL-POWELL) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on House Administration, Oversight and Reform, and the Judiciary, 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 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 “Paid Sick Days for
5 Public Health Emergencies and Personal and Family Care
6 Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) CHILD.—The term “child” means a biologi-
10 cal, foster, or adopted child, a stepchild, a child of
11 a domestic partner, a legal ward, or a child of a per-
12 son standing in loco parentis.

13 (2) DOMESTIC PARTNER.—

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

18 (B) COMMITTED RELATIONSHIP DE-
19 FINED.—The term “committed relationship”
20 means a relationship between 2 individuals,
21 each at least 18 years of age, in which each in-
22 dividual is the other individual’s sole domestic
23 partner and both individuals share responsi-
24 bility for a significant measure of each other’s
25 common welfare. The term includes any such

1 relationship between 2 individuals, including in-
2 dividuals of the same sex, that is granted legal
3 recognition by a State or political subdivision of
4 a State as a marriage or analogous relationship,
5 including a civil union or domestic partnership.

6 (3) DOMESTIC VIOLENCE.—The term “domestic
7 violence” has the meaning given the term in section
8 40002(a) of the Violence Against Women Act of
9 1994 (34 U.S.C. 12291(a)), except that the ref-
10 erence in such section to the term “jurisdiction re-
11 ceiving grant monies” shall be deemed to mean the
12 jurisdiction in which the victim lives or the jurisdic-
13 tion in which the employer involved is located. Such
14 term also includes dating violence, as that term is
15 defined in such section.

16 (4) 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 subparagraph (E), including such an employee
22 of the Library of Congress, except that a ref-
23 erence in such section to an employer shall be
24 considered to be a reference to an employer de-

scribed in clauses (i)(I) and (ii) of paragraph
(5)(A); or

(ii) an employee of the Government Accountability Office;

(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.

(5) EMPLOYER.—

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

(i)(I) a covered employer, as defined in subparagraph (B), who is not covered under subclause (V);

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

1 (III) an employing office, as defined
2 in section 101 of the Congressional Ac-
3 countability Act of 1995;

4 (IV) an employing office, as defined in
5 section 411(c) of title 3, United States
6 Code; or

7 (V) an employing agency covered
8 under subchapter V of chapter 63 of title
9 5, United States Code; and

10 (ii) engaged in commerce (including
11 government), or an industry or activity af-
12 fecting commerce (including government),
13 as defined in subparagraph (B)(iii).

14 (B) COVERED EMPLOYER.—

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

17 (I) means any person engaged in
18 commerce or in any industry or activ-
19 ity affecting commerce who employs 1
20 or more employees;

21 (II) includes—

22 (aa) any person who acts,
23 directly or indirectly, in the inter-
24 est of an employer to any of the
25 employees of such employer; and

1 (bb) any successor in inter-
2 est of an employer;

3 (III) includes any “public agen-
4 cy”, as defined in section 3(x) of the
5 Fair Labor Standards Act of 1938
6 (29 U.S.C. 203(x)); and

7 (IV) includes the Government
8 Accountability Office and the Library
9 of Congress.

10 (ii) PUBLIC AGENCY.—For purposes
11 of clause (i)(IV), a public agency shall be
12 considered to be a person engaged in com-
13 merce or in an industry or activity affect-
14 ing commerce.

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

17 (I) COMMERCE.—The terms
18 “commerce” and “industry or activity
19 affecting commerce” mean any activ-
20 ity, business, or industry in commerce
21 or in which a labor dispute would
22 hinder or obstruct commerce or the
23 free flow of commerce, and include
24 “commerce” and any “industry affect-
25 ing commerce”, as defined in para-

1 graphs (1) and (3) of section 501 of
2 the Labor Management Relations Act,
3 1947 (29 U.S.C. 142 (1) and (3)).

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

9 (III) PERSON.—The term “per-
10 son” has the same meaning given
11 such term in section 3(a) of the Fair
12 Labor Standards Act of 1938 (29
13 U.S.C. 203(a)).

14 (C) PREDECESSORS.—Any reference in
15 this paragraph to an employer shall include a
16 reference to any predecessor of such employer.

17 (6) EMPLOYMENT BENEFITS.—The term “em-
18 ployment benefits” means all benefits provided or
19 made available to employees by an employer, includ-
20 ing group life insurance, health insurance, disability
21 insurance, sick leave, annual leave, educational bene-
22 fits, and pensions, regardless of whether such bene-
23 fits are provided by a practice or written policy of
24 an employer or through an “employee benefit plan”,
25 as defined in section 3(3) of the Employee Retire-

1 ment Income Security Act of 1974 (29 U.S.C.
2 1002(3)).

3 (7) HEALTH CARE PROVIDER.—The term
4 “health care provider” means a provider who—

5 (A)(i) is a doctor of medicine or osteopathy
6 who is authorized to practice medicine or sur-
7 gery (as appropriate) by the State in which the
8 doctor practices; or

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

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

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

18 (A) can be—

19 (i) earned by an employee for use dur-
20 ing an absence from employment for a rea-
21 son described in any paragraph of section
22 3(b); or

23 (ii) provided by an employer during a
24 public health emergency for use during an
25 absence from employment for a reason de-

1 scribed in any paragraph of section 3(b);
2 and

3 (B) is compensated at a rate that is not
4 less than the greatest of—

5 (i) the employee’s regular rate of pay;

6 (ii) the minimum wage rate provided
7 for in section 6(a)(1) of the Fair Labor
8 Standards Act of 1938 (29 U.S.C.
9 206(a)(1)); or

10 (iii) the minimum wage rate provided
11 for in the applicable State or local law for
12 the State or locality in which the employee
13 is employed.

14 (9) PARENT.—The term “parent” means a bio-
15 logical, foster, or adoptive parent of an employee, a
16 stepparent of an employee, parent-in-law, parent of
17 a domestic partner, or a legal guardian or other per-
18 son who stood in loco parentis to an employee when
19 the employee was a child.

20 (10) PUBLIC HEALTH EMERGENCY.—The term
21 “public health emergency” means a public health
22 emergency declared by the Secretary of Health and
23 Human Services for a jurisdiction, or by a State
24 public health official with authority to declare such

1 an emergency for the State or jurisdiction within the
2 State.

3 (11) SECRETARY.—The term “Secretary”
4 means the Secretary of Labor.

5 (12) SEXUAL ASSAULT.—The term “sexual as-
6 sult” has the meaning given the term in section
7 40002(a) of the Violence Against Women Act of
8 1994 (34 U.S.C. 12291(a)).

9 (13) SPOUSE.—The term “spouse”, with re-
10 spect to an employee, has the meaning given such
11 term by the marriage laws of the State in which the
12 marriage was celebrated.

13 (14) STALKING.—The term “stalking” has the
14 meaning given the term in section 40002(a) of the
15 Violence Against Women Act of 1994 (34 U.S.C.
16 12291(a)).

17 (15) STATE.—The term “State” has the mean-
18 ing given the term in section 3 of the Fair Labor
19 Standards Act of 1938 (29 U.S.C. 203).

20 (16) VICTIM SERVICES ORGANIZATION.—The
21 term “victim services organization” means a non-
22 profit, nongovernmental organization that provides
23 assistance to victims of domestic violence, sexual as-
24 sult, or stalking or advocates for such victims, in-
25 cluding a rape crisis center, an organization carrying

1 out a domestic violence, sexual assault, or stalking
2 prevention or treatment program, an organization
3 operating a shelter or providing counseling services,
4 or a legal services organization or other organization
5 providing assistance through the legal process.

6 **SEC. 3. PAID SICK TIME.**

7 (a) EARNING OF PAID SICK TIME.—

8 (1) IN GENERAL.—Subject to subsection (c), an
9 employer shall provide each employee employed by
10 the employer not less than 1 hour of earned paid
11 sick time for every 30 hours worked, to be used as
12 described in subsection (b). An employer shall not be
13 required to permit an employee to earn, under this
14 subsection, more than 56 hours of paid sick time in
15 a year, unless the employer chooses to set a higher
16 limit.

17 (2) EXEMPT EMPLOYEES.—

18 (A) IN GENERAL.—Except as provided in
19 paragraph (3), for purposes of this subsection,
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 assumed to work 40 hours
24 in each workweek.

1 (B) SHORTER NORMAL WORKWEEK.—If
2 the normal workweek of such an employee is
3 less than 40 hours, the employee shall earn
4 paid sick time under this subsection based upon
5 that normal workweek.

6 (3) DATES FOR BEGINNING TO EARN PAID SICK
7 TIME AND USE.—

8 (A) IN GENERAL.—Employees shall begin
9 to earn paid sick time under this subsection at
10 the commencement of their employment. An
11 employee shall be entitled to use the earned
12 paid sick time beginning on the 60th calendar
13 day following commencement of the employee's
14 employment. After that 60th calendar day, the
15 employee may use the paid sick time as the
16 time is earned. An employer may, at the discre-
17 tion of the employer, loan paid sick time to an
18 employee for use by such employee in advance
19 of the employee earning such sick time as pro-
20 vided in this subsection and may permit use be-
21 fore the 60th day of employment.

22 (B) PUBLIC HEALTH EMERGENCY.—Sub-
23 paragraph (A) shall not apply with respect to
24 additional paid sick time provided under sub-
25 section (c). In the event of a public health

1 emergency, an employee may immediately use
2 the additional or accrued paid sick time de-
3 scribed in subsection (c), regardless of how long
4 the employee has been employed by an em-
5 ployer.

6 (4) CARRYOVER.—

7 (A) IN GENERAL.—Except as provided in
8 subparagraph (B), paid sick time earned under
9 this subsection shall carry over from 1 year to
10 the next.

11 (B) CONSTRUCTION.—This subsection
12 shall not be construed to require an employer to
13 permit an employee to earn more than 56 hours
14 of earned paid sick time at a given time.

15 (5) EMPLOYERS WITH EXISTING POLICIES.—

16 Any employer with a paid leave policy who makes
17 available an amount of paid leave that is sufficient
18 to meet the requirements of this subsection and that
19 may be used for the same purposes and under the
20 same conditions as the purposes and conditions out-
21 lined in subsection (b) shall not be required to per-
22 mit an employee to earn more paid sick time under
23 this subsection.

24 (6) CONSTRUCTION.—Nothing in this section
25 shall be construed as requiring financial or other re-

1 imbursement to an employee from an employer upon
2 the employee's termination, resignation, retirement,
3 or other separation from employment for earned
4 paid sick time that has not been used.

5 (7) REINSTATEMENT.—If an employee is sepa-
6 rated from employment with an employer and is re-
7 hired, within 12 months after that separation, by the
8 same employer, the employer shall reinstate the em-
9 ployee's previously earned paid sick time under this
10 subsection. The employee shall be entitled to use the
11 earned paid sick time and earn more paid sick time
12 at the recommencement of employment with the em-
13 ployer.

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

19 (b) USES.—Paid sick time under this section may be
20 used by an employee for any of the following:

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

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

4 (3) An absence resulting from the closure of an
5 employee's place of employment by order of a Fed-
6 eral or State public official with jurisdiction, or at
7 the employer's discretion, due to a public health
8 emergency.

9 (4) An absence because a Federal or State pub-
10 lic official with jurisdiction or a health care provider
11 has determined that the employee's presence in the
12 community may jeopardize the health of others be-
13 cause of the employee's exposure to a communicable
14 disease during a public health emergency, regardless
15 of whether the employee has actually contracted the
16 communicable disease.

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

22 (A) who is a child, if the child's school or
23 place of care has been closed by order of a Fed-
24 eral or State public official with jurisdiction or
25 at the discretion of the school or place of care

1 due to a public health emergency, including if
2 a school or entity operating the place of care is
3 physically closed but is providing education or
4 care to the child remotely; or

5 (B) because a Federal or State public offi-
6 cial with jurisdiction or a health care provider
7 has determined that the presence in the com-
8 munity of the person receiving care may jeop-
9 ardize the health of others because of the per-
10 son's exposure to a communicable disease dur-
11 ing a public health emergency, regardless of
12 whether the person has actually contracted the
13 communicable disease.

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

19 (A) who has any of the conditions or needs
20 for diagnosis or care described in paragraph (1)
21 or (2);

22 (B) who is a child, if the employee is re-
23 quired to attend a school meeting or a meeting
24 at a place where the child is receiving care ne-

1 cessitated by the child's health condition or dis-
2 ability; or

3 (C) who is otherwise in need of care.

4 (7) An absence resulting from domestic vio-
5 lence, sexual assault, or stalking, if the time is to—

6 (A) seek medical attention for the em-
7 ployee or the employee's child, parent, spouse,
8 domestic partner, or an individual related to the
9 employee as described in paragraph (6), to re-
10 cover from physical or psychological injury or
11 disability caused by domestic violence, sexual
12 assault, or stalking;

13 (B) obtain or assist a related person de-
14 scribed in paragraph (6) in obtaining services
15 from a victim services organization;

16 (C) obtain or assist a related person de-
17 scribed in paragraph (6) in obtaining psycho-
18 logical or other counseling;

19 (D) seek relocation; or

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

24 (c) ADDITIONAL PAID SICK TIME FOR PUBLIC
25 HEALTH EMERGENCY.—

1 (1) ADDITIONAL PAID SICK TIME.—On the date
2 of a declaration of a public health emergency, an
3 employer in the jurisdiction involved shall provide
4 each employee of the employer in that jurisdiction
5 with additional paid sick time, in addition to any
6 amount of paid sick time accrued by the employee
7 under subsection (a) (including paid leave referred
8 to in subsection (a)(4)).

9 (2) AMOUNT OF PAID SICK TIME.—In receiving
10 additional paid sick time under paragraph (1), the
11 employee shall receive—

12 (A) for a full-time salaried employee, a
13 specified amount of paid sick time that is suffi-
14 cient to provide the employee with 14 contin-
15 uous days away from work without a reduction
16 in pay; and

17 (B) for a part-time or hourly employee, a
18 specified amount of paid sick time equal to the
19 number of hours that the employee was sched-
20 uled to work or, if not so scheduled, regularly
21 works in a 14-day period.

22 (3) USE OF LEAVE.—The additional sick time
23 and accrued sick time described in this subsection
24 shall be available for immediate use by the employee
25 for the purposes described in any paragraph of sub-

1 section (b) beginning on the date a public health
2 emergency is declared, regardless of how long the
3 employee has been employed by an employer.

4 (4) SEQUENCING.—During the public health
5 emergency, an employee may first use the additional
6 sick time for those purposes. The employee may then
7 use the accrued sick time during the public health
8 emergency, or retain the accrued sick time for use
9 after the public health emergency. An employer may
10 not require an employee to use the accrued sick
11 time, or any other paid leave provided by the em-
12 ployer to the employee, before using the additional
13 sick time.

14 (5) PERIODS.—An employee may take the addi-
15 tional sick time on the schedule that meets the em-
16 ployee's needs, consistent with subsection (b), in-
17 cluding taking the additional sick time intermittently
18 or on a reduced leave schedule, and an employer
19 may not require an employee to take the additional
20 sick time in a single period or on any other schedule
21 specified by the employer.

22 (d) SCHEDULING.—An employee shall make a rea-
23 sonable effort to schedule a period of accrued paid sick
24 time under subsection (a) in a manner that does not un-
25 duly disrupt the operations of the employer.

1 (e) PROCEDURES.—

2 (1) IN GENERAL.—Paid sick time shall be pro-
3 vided upon the oral or written request of an em-
4 ployee. Such request shall—

5 (A) include the expected duration of the
6 period of such time;

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

11 (C) otherwise, be provided as soon as prac-
12 ticable after the employee is aware of the need
13 for such period.

14 (2) CERTIFICATION IN GENERAL.—

15 (A) PROVISION.—

16 (i) IN GENERAL.—Subject to subpara-
17 graphs (C) and (D), an employer may re-
18 quire that a request for paid sick time
19 under this section for a purpose described
20 in paragraph (1), (2), or (6) of subsection
21 (b) be supported by a certification issued
22 by the health care provider of the eligible
23 employee or of an individual described in
24 subsection (b)(6), as appropriate, if the pe-

riod 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.—

(i) IN GENERAL.—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;

(III) the appropriate medical facts within the knowledge of the health care provider regarding the condition involved, subject to clause (ii); and

(IV)(aa) for purposes of paid sick time under subsection (b)(1), a state-

1 ment that absence from work is medi-
2 cally necessary;

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

8 (cc) for purposes of such time
9 under subsection (b)(6), in the case of
10 time to care for someone who is not a
11 child, a statement that care is needed
12 for an individual described in such
13 subsection, and an estimate of the
14 amount of time that such care is
15 needed for such individual.

16 (ii) LIMITATION.—In issuing a certifi-
17 cation under subparagraph (A), a health
18 care provider shall make reasonable efforts
19 to limit the medical facts described in
20 clause (i)(III) that are disclosed in the cer-
21 tification to the minimum necessary to es-
22 tablish a need for the employee to utilize
23 paid sick time.

24 (C) PUBLIC HEALTH EMERGENCIES.—No
25 certification or other documentation may be re-

1 quired under this Act by an employer during
2 any public health emergency.

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

8 (E) CONFIDENTIALITY AND NONDISCLO-
9 SURE.—

10 (i) PROTECTED HEALTH INFORMA-
11 TION.—Nothing in this Act shall be con-
12 strued to require a health care provider to
13 disclose information in violation of section
14 1177 of the Social Security Act (42 U.S.C.
15 1320d–6) or the regulations promulgated
16 pursuant to section 264(c) of the Health
17 Insurance Portability and Accountability
18 Act of 1996 (42 U.S.C. 1320d–2 note).

19 (ii) HEALTH INFORMATION
20 RECORDS.—If an employer possesses
21 health information about an employee or
22 an employee’s child, parent, spouse, domes-
23 tic partner, or an individual related to the
24 employee as described in subsection (b)(6),
25 such information shall—

1 (I) be maintained on a separate
2 form and in a separate file from other
3 personnel information;

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

6 (III) not be disclosed except to
7 the affected employee or with the per-
8 mission of the affected employee.

9 (3) CERTIFICATION IN THE CASE OF DOMESTIC
10 VIOLENCE, SEXUAL ASSAULT, OR STALKING.—

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)(7) be supported by any one of the
15 following forms of documentation, but the em-
16 ployer may not specify the particular form of
17 documentation to be provided:

18 (i) A police report indicating that the
19 employee, or a member of the employee's
20 family described in subsection (b)(7), was
21 a victim of domestic violence, sexual as-
22 sault, or stalking.

23 (ii) A court order protecting or sepa-
24 rating the employee or a member of the
25 employee's family described in subsection

1 (b)(7) from the perpetrator of an act of
2 domestic violence, sexual assault, or stalk-
3 ing, or other evidence from the court or
4 prosecuting attorney that the employee or
5 a member of the employee's family de-
6 scribed in subsection (b)(7) has appeared
7 in court or is scheduled to appear in court
8 in a proceeding related to domestic vio-
9 lence, sexual assault, or stalking.

10 (iii) Other documentation signed by
11 an employee or volunteer working for a vic-
12 tim services organization, an attorney, a
13 police officer, a medical professional, a so-
14 cial worker, an antiviolence counselor, or a
15 member of the clergy, affirming that the
16 employee or a member of the employee's
17 family described in subsection (b)(7) is a
18 victim of domestic violence, sexual assault,
19 or stalking.

20 (B) REQUIREMENTS.—The requirements
21 of paragraph (2) shall apply to certifications
22 under this paragraph, except that—

23 (i) subclauses (III) and (IV) of sub-
24 paragraph (B)(i) and subparagraph (B)(ii)
25 of such paragraph shall not apply;

1 (ii) the certification shall state the
2 reason that the leave is required with the
3 facts to be disclosed limited to the min-
4 imum necessary to establish a need for the
5 employee to be absent from work, and the
6 employee shall not be required to explain
7 the details of the domestic violence, sexual
8 assault, or stalking involved; and

9 (iii) with respect to confidentiality
10 under subparagraph (E) of such para-
11 graph, any information provided to the em-
12 ployer under this paragraph shall be con-
13 fidential, except to the extent that any dis-
14 closure of such information is—

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

17 (II) otherwise required by appli-
18 cable Federal or State law.

19 **SEC. 4. NOTICE REQUIREMENT.**

20 (a) IN GENERAL.—Each employer shall notify each
21 employee and include in any employee handbook the infor-
22 mation described in paragraphs (1) through (4). Each em-
23 ployer shall post and keep posted a notice, to be prepared
24 or approved in accordance with procedures specified in
25 regulations prescribed under section 12, setting forth ex-

1 cerpts from, or summaries of, the pertinent provisions of
2 this Act including—

3 (1) information describing paid sick time avail-
4 able to employees under this Act;

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

7 (3) the details of the notice requirement for a
8 foreseeable period of time under section 5(e)(1)(B);
9 and

10 (4) information that describes—

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

13 (B) how the employee can contact the Sec-
14 retary (or other appropriate authority as de-
15 scribed in section 6) if any of the rights are vio-
16 lated.

17 (b) LOCATION.—The notice described under sub-
18 section (a) shall be posted—

19 (1) in conspicuous places on the premises of the
20 employer, where notices to employees (including ap-
21 plicants) are customarily posted; or

22 (2) in employee handbooks.

23 (c) VIOLATION; PENALTY.—Any employer who will-
24 fully violates the posting requirements of this section shall

1 be subject to a civil fine in an amount not to exceed \$100
2 for each separate offense.

3 **SEC. 5. PROHIBITED ACTS.**

4 (a) INTERFERENCE WITH RIGHTS.—

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

9 (A) discharging or discriminating against
10 (including retaliating against) any individual,
11 including a job applicant, for exercising, or at-
12 tempting to exercise, any right provided under
13 this Act;

14 (B) using the taking of paid sick time
15 under this Act as a negative factor in an em-
16 ployment action, such as hiring, promotion, re-
17 ducing hours or number of shifts, or a discipli-
18 nary action; or

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

22 (2) DISCRIMINATION.—It shall be unlawful for
23 any employer to discharge or in any other manner
24 discriminate against (including retaliating against)

1 any individual, including a job applicant, for oppos-
 2 ing any practice made unlawful by this Act.

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

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

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

14 (3) has testified, or is about to testify, in any
 15 inquiry or proceeding relating to any right provided
 16 under this Act.

17 (c) CONSTRUCTION.—Nothing in this section shall be
 18 construed to state or imply that the scope of the activities
 19 prohibited by section 105 of the Family and Medical Leave
 20 Act of 1993 (29 U.S.C. 2615) is less than the scope of
 21 the activities prohibited by this section.

22 **SEC. 6. ENFORCEMENT AUTHORITY.**

23 (a) IN GENERAL.—

24 (1) DEFINITION.—In this subsection—

1 (A) the term “employee” means an em-
2 ployee described in subparagraph (A) or (B) of
3 section 2(4); and

4 (B) the term “employer” means an em-
5 ployer described in subclause (I) or (II) of sec-
6 tion 2(5)(A)(i).

7 (2) INVESTIGATIVE AUTHORITY.—

8 (A) IN GENERAL.—To ensure compliance
9 with the provisions of this Act, or any regula-
10 tion or order issued under this Act, the Sec-
11 retary shall have, subject to subparagraph (C),
12 the investigative authority provided under sec-
13 tion 11(a) of the Fair Labor Standards Act of
14 1938 (29 U.S.C. 211(a)), with respect to em-
15 ployers, employees, and other individuals af-
16 fected.

17 (B) OBLIGATION TO KEEP AND PRESERVE
18 RECORDS.—An employer shall make, keep, and
19 preserve records pertaining to compliance with
20 this Act in accordance with section 11(c) of the
21 Fair Labor Standards Act of 1938 (29 U.S.C.
22 211(c)) and in accordance with regulations pre-
23 scribed by the Secretary.

24 (C) REQUIRED SUBMISSIONS GENERALLY
25 LIMITED TO AN ANNUAL BASIS.—The Secretary

1 shall not require, under the authority of this
2 paragraph, an employer to submit to the Sec-
3 retary any books or records more than once
4 during any 12-month period, unless the Sec-
5 retary has reasonable cause to believe there
6 may exist a violation of this Act or any regula-
7 tion or order issued pursuant to this Act, or is
8 investigating a charge pursuant to paragraph
9 (4).

10 (D) SUBPOENA AUTHORITY.—For the pur-
11 poses of any investigation provided for in this
12 paragraph, the Secretary shall have the sub-
13 poena authority provided for under section 9 of
14 the Fair Labor Standards Act of 1938 (29
15 U.S.C. 209).

16 (3) CIVIL ACTION BY EMPLOYEES OR INDIVID-
17 UALS.—

18 (A) RIGHT OF ACTION.—An action to re-
19 cover the damages or equitable relief prescribed
20 in subparagraph (B) may be maintained
21 against any employer in any Federal or State
22 court of competent jurisdiction by one or more
23 employees or individuals or their representative
24 for and on behalf of—

25 (i) the employees or individuals; or

1 (ii) the employees or individuals and
2 others similarly situated.

3 (B) LIABILITY.—Any employer who vio-
4 lates section 5 (including a violation relating to
5 rights provided under section 3) shall be liable
6 to any employee or individual affected—

7 (i) for damages equal to—

8 (I) the amount of—

9 (aa) any wages, salary, em-
10 ployment benefits, or other com-
11 pensation denied or lost by rea-
12 son of the violation; or

13 (bb) in a case in which
14 wages, salary, employment bene-
15 fits, or other compensation have
16 not been denied or lost, any ac-
17 tual monetary losses sustained as
18 a direct result of the violation up
19 to a sum equal to 56 hours of
20 wages or salary for the employee
21 or individual, or the specified pe-
22 riod described in section 3(c)(3),
23 or a combination of those hours
24 and that period, as the case may
25 be;

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

4 (III) an additional amount as liq-
5 uidated damages; and

6 (ii) for such equitable relief as may be
7 appropriate, including employment, rein-
8 statement, and promotion.

9 (C) FEES AND COSTS.—The court in an
10 action under this paragraph shall, in addition to
11 any judgment awarded to the plaintiff, allow a
12 reasonable attorney's fee, reasonable expert wit-
13 ness fees, and other costs of the action to be
14 paid by the defendant.

15 (4) ACTION BY THE SECRETARY.—

16 (A) ADMINISTRATIVE ACTION.—The Sec-
17 retary shall receive, investigate, and attempt to
18 resolve complaints of violations of section 5 (in-
19 cluding a violation relating to rights provided
20 under section 3) in the same manner that the
21 Secretary receives, investigates, and attempts to
22 resolve complaints of violations of sections 6
23 and 7 of the Fair Labor Standards Act of 1938
24 (29 U.S.C. 206 and 207).

1 (B) CIVIL ACTION.—The Secretary may
2 bring an action in any court of competent juris-
3 diction to recover the damages described in
4 paragraph (3)(B)(i).

5 (C) SUMS RECOVERED.—Any sums recov-
6 ered by the Secretary pursuant to subparagraph
7 (B) shall be held in a special deposit account
8 and shall be paid, on order of the Secretary, di-
9 rectly to each employee or individual affected.
10 Any such sums not paid to an employee or indi-
11 vidual affected because of inability to do so
12 within a period of 3 years shall be deposited
13 into the Treasury of the United States as mis-
14 cellaneous receipts.

15 (5) LIMITATION.—

16 (A) IN GENERAL.—Except as provided in
17 subparagraph (B), an action may be brought
18 under paragraph (3), (4), or (6) not later than
19 2 years after the date of the last event consti-
20 tuting the alleged violation for which the action
21 is brought.

22 (B) WILLFUL VIOLATION.—In the case of
23 an action brought for a willful violation of sec-
24 tion 5 (including a willful violation relating to
25 rights provided under section 3), such action

1 may be brought within 3 years of the date of
2 the last event constituting the alleged violation
3 for which such action is brought.

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

9 (6) ACTION FOR INJUNCTION BY SECRETARY.—
10 The district courts of the United States shall have
11 jurisdiction, for cause shown, in an action brought
12 by the Secretary—

13 (A) to restrain violations of section 5 (in-
14 cluding a violation relating to rights provided
15 under section 3), including the restraint of any
16 withholding of payment of wages, salary, em-
17 ployment benefits, or other compensation, plus
18 interest, found by the court to be due to em-
19 ployees or individuals eligible under this Act; or

20 (B) to award such other equitable relief as
21 may be appropriate, including employment, re-
22 instatement, and promotion.

23 (7) SOLICITOR OF LABOR.—The Solicitor of
24 Labor may appear for and represent the Secretary

1 on any litigation brought under paragraph (4) or
2 (6).

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

11 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
12 COUNTABILITY ACT OF 1995.—The powers, remedies, and
13 procedures provided in the Congressional Accountability
14 Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as de-
15 fined in section 101 of that Act (2 U.S.C. 1301)), or any
16 person, alleging a violation of subsection (a)(1) of section
17 202 of that Act (2 U.S.C. 1312) shall be the powers, rem-
18 edies, and procedures this Act provides to that Board, or
19 any person, alleging an unlawful employment practice in
20 violation of this Act against an employee described in sec-
21 tion 2(4)(C).

22 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
23 3, UNITED STATES CODE.—The powers, remedies, and
24 procedures provided in chapter 5 of title 3, United States
25 Code, to the President, the Merit Systems Protection

1 Board, or any person, alleging a violation of section
2 412(a)(1) of that title, shall be the powers, remedies, and
3 procedures this Act provides to the President, that Board,
4 or any person, respectively, alleging an unlawful employ-
5 ment practice in violation of this Act against an employee
6 described in section 2(4)(D).

7 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE
8 5, UNITED STATES CODE.—The powers, remedies, and
9 procedures provided in title 5, United States Code, to an
10 employing agency, provided in chapter 12 of that title to
11 the Merit Systems Protection Board, or provided in that
12 title to any person, alleging a violation of chapter 63 of
13 that title shall be the powers, remedies, and procedures
14 this Act provides to that agency, that Board, or any per-
15 son, respectively, alleging an unlawful employment prac-
16 tice in violation of this Act against an employee described
17 in section 2(4)(E).

18 (e) REMEDIES FOR STATE EMPLOYEES.—

19 (1) WAIVER OF SOVEREIGN IMMUNITY.—A
20 State's receipt or use of Federal financial assistance
21 for any program or activity of a State shall con-
22 stitute a waiver of sovereign immunity, under the
23 11th Amendment to the Constitution or otherwise,
24 to a suit brought by an employee of that program

1 or activity under this Act for equitable, legal, or
 2 other relief authorized under this Act.

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

11 (3) APPLICABILITY.—With respect to a par-
 12 ticular program or activity, paragraph (1) applies to
 13 conduct occurring on or after the day, after the date
 14 of enactment of this Act, on which a State first re-
 15 ceives or uses Federal financial assistance for that
 16 program or activity.

17 (4) DEFINITION OF PROGRAM OR ACTIVITY.—In
 18 this subsection, the term “program or activity” has
 19 the meaning given the term in section 606 of the
 20 Civil Rights Act of 1964 (42 U.S.C. 2000d–4a).

21 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS FOR EDU-**
 22 **CATION AND OUTREACH.**

23 There is authorized to be appropriated to the Sec-
 24 retary of Labor such sums as may be necessary in order
 25 that the Secretary may conduct a public awareness cam-

1 paign to educate and inform the public of the require-
2 ments for paid sick time required by this Act.

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

5 (a) COMPILATION OF INFORMATION.—The Commis-
6 sioner of Labor Statistics shall annually compile informa-
7 tion on the following:

8 (1) The amount of paid sick time available to
9 employees by occupation and type of employment es-
10 tablishment.

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

14 (b) GAO STUDY.—Not later than 5 years after the
15 date of enactment of this Act, the Comptroller General
16 of the United States shall conduct a study to evaluate the
17 implementation of this Act. Such study shall include an
18 estimation of employees' access to paid sick time, employ-
19 ees' awareness of their rights under this Act, and employ-
20 ers' experiences complying with this Act. Such study shall
21 take into account access, awareness and experiences of
22 employees by race, ethnicity, gender, and occupation.

23 (c) REPORT.—Upon completion of the study required
24 by subsection (b), the Comptroller General of the United
25 States shall prepare and submit a report to the appro-

1 priate committees of Congress concerning the results of
2 the study and the information compiled pursuant to sub-
3 section (a).

4 **SEC. 9. EFFECT ON OTHER LAWS.**

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

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

19 **SEC. 10. EFFECT ON EXISTING EMPLOYMENT BENEFITS.**

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

1 (b) LESS PROTECTIVE.—The rights established for
2 employees under this Act shall not be diminished by any
3 contract, collective bargaining agreement, or any employ-
4 ment benefit program or plan.

5 **SEC. 11. ENCOURAGEMENT OF MORE GENEROUS LEAVE**
6 **POLICIES.**

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

11 **SEC. 12. REGULATIONS.**

12 (a) IN GENERAL.—

13 (1) AUTHORITY.—Except as provided in para-
14 graph (2) and subject to subsection (e), not later
15 than 180 days after the date of enactment of this
16 Act, the Secretary shall prescribe such regulations
17 as are necessary to carry out this Act with respect
18 to employees described in subparagraph (A) or (B)
19 of section 2(4) and other individuals affected by em-
20 ployers described in subclause (I) or (II) of section
21 2(5)(A)(i).

22 (2) GOVERNMENT ACCOUNTABILITY OFFICE; LI-
23 BRARY OF CONGRESS.—Subject to subsection (e),
24 the Comptroller General of the United States and
25 the Librarian of Congress shall prescribe the regula-

1 tions with respect to employees of the Government
2 Accountability Office and the Library of Congress,
3 respectively, and other individuals affected by the
4 Comptroller General of the United States and the
5 Librarian of Congress, respectively.

6 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
7 COUNTABILITY ACT OF 1995.—

8 (1) AUTHORITY.—Subject to subsection (e), not
9 later than 90 days after the Secretary prescribes
10 regulations under subsection (a), the Board of Di-
11 rectors of the Office of Compliance shall prescribe
12 (in accordance with section 304 of the Congressional
13 Accountability Act of 1995 (2 U.S.C. 1384)) such
14 regulations as are necessary to carry out this Act
15 with respect to employees described in section
16 2(4)(C) and other individuals affected by employers
17 described in section 2(5)(A)(i)(III).

18 (2) AGENCY REGULATIONS.—The regulations
19 prescribed under paragraph (1) shall be the same as
20 substantive regulations promulgated by the Sec-
21 retary to carry out this Act except insofar as the
22 Board may determine, for good cause shown and
23 stated together with the regulations prescribed
24 under paragraph (1), that a modification of such
25 regulations would be more effective for the imple-

1 mentation of the rights and protections involved
2 under this section.

3 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
4 3, UNITED STATES CODE.—

5 (1) AUTHORITY.—Subject to subsection (e), not
6 later than 90 days after the Secretary prescribes
7 regulations under subsection (a), the President (or
8 the designee of the President) shall prescribe such
9 regulations as are necessary to carry out this Act
10 with respect to employees described in section
11 2(4)(D) and other individuals affected by employers
12 described in section 2(5)(A)(i)(IV).

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 President (or designee) may determine, for good
18 cause shown and stated together with the regula-
19 tions prescribed under paragraph (1), that a modi-
20 fication of such regulations would be more effective
21 for the implementation of the rights and protections
22 involved under this section.

23 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE
24 5, UNITED STATES CODE.—

1 (1) AUTHORITY.—Subject to subsection (e), not
2 later than 90 days after the Secretary prescribes
3 regulations under subsection (a), the Director of the
4 Office of Personnel Management shall prescribe such
5 regulations as are necessary to carry out this Act
6 with respect to employees described in section
7 2(4)(E) and other individuals affected by employers
8 described in section 2(5)(A)(i)(V).

9 (2) AGENCY REGULATIONS.—The regulations
10 prescribed under paragraph (1) shall be the same as
11 substantive regulations promulgated by the Sec-
12 retary to carry out this Act except insofar as the Di-
13 rector may determine, for good cause shown and
14 stated together with the regulations prescribed
15 under paragraph (1), that a modification of such
16 regulations would be more effective for the imple-
17 mentation of the rights and protections involved
18 under this section.

19 (e) IMMEDIATE COMPLIANCE.—The rights and re-
20 sponsibilities specified in this Act shall take effect on the
21 date of enactment of this Act and employers and other
22 persons subject to those responsibilities shall comply im-
23 mediately, without regard whether regulations have been
24 prescribed under this section.

1 **SEC. 13. EFFECTIVE DATES.**

2 (a) IN GENERAL.—This Act takes effect on the date
3 of enactment of this Act.

4 (b) PREVIOUS DECLARATIONS.—If a public health
5 emergency was declared before and remains in effect on
6 the date of enactment of this Act, for purposes of this
7 Act (and in particular section 3(c) of this Act) the public
8 health emergency shall be considered to have been de-
9 clared on the date of enactment of this Act.

○