

117TH CONGRESS 2D SESSION

H. R. 6670

To permit employees to request changes to their work schedules without fear of retaliation and to ensure that employers consider these requests, and to require employers to provide more predictable and stable schedules for employees in certain occupations with evidence of unpredictable and unstable scheduling practices that negatively affect employees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

February 9, 2022

Ms. Delauro (for herself, Ms. Schakowsky, Mrs. Carolyn B. Maloney of New York, Mr. Lowenthal, Mr. Bowman, Mr. Danny K. Davis of Illinois, Ms. Norton, Ms. Bonamici, Mr. Desaulnier, Ms. Pingree, Mr. Cohen, Ms. Eshoo, Mrs. Dingell, Mrs. Beatty, Ms. Lee of California, Mr. Doggett, Mr. García of Illinois, Mr. Torres of New York, Ms. Jayapal, Mrs. Lawrence, Ms. Underwood, Mr. Pocan, Ms. Porter, and Miss Rice of New York) 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 permit employees to request changes to their work schedules without fear of retaliation and to ensure that employers consider these requests, and to require employers to provide more predictable and stable schedules for employees in certain occupations with evidence of unpredictable and unstable scheduling practices that negatively affect employees, 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; FINDINGS.
- 4 (a) Short Title.—This Act may be cited as the
- 5 "Schedules That Work Act".

the United States.

sibilities.

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- 6 (b) FINDINGS.—Congress finds the following:
- 7 (1) The vast majority of the United States 8 workforce today is juggling responsibilities at home 9 and at work. Women are primary breadwinners or 10 co-breadwinners in ½ of families with children in
- 12 (2) Despite the dual responsibilities of today's
 13 workforce, many workers have little notice of their
 14 work schedules and lack the ability to make changes
 15 to the work hours in such schedules, which under16 mines their ability to accommodate family respon-
 - (3)(A) Mothers working in low-paid jobs are more likely to be the primary or sole breadwinner for their families than mothers working in higher-paid jobs. For example, nearly 7 in 10 mothers in the ½ of households in the United States with the lowest incomes bring home all or most of their families' income, compared to less than ⅓ of their counterparts in the highest-income quintile.

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(B) At the same time, low-paid workers often have the least control over their work hours and face the most unpredictable schedules. In some industries, "just-in-time" scheduling practices, which base workers' schedules on perceived consumer demand to minimize labor costs, are particularly common. Employers using these practices often post work schedules with little notice, vary work hours widely from week to week, cancel shifts at the last minute, and schedule employees for "on call" shifts (requiring an employee to call in to work to find out whether the employee will have to work later that day) or "clopening" shifts (requiring an employee to work a closing shift at night followed by an opening shift a few hours later). For example, national survey data show that—

- (i) about ½3 of hourly retail and food service workers receive their work schedules with less than 2 weeks' advance notice and about ½3 receive their schedule with less than 1 week's notice;
- (ii) more than 1 in 5 hourly retail and food service workers have been scheduled for on-call shifts, and more than 1 in 3 have worked "clopening" shifts; and

1	(iii) 65 percent of hourly retail and food
2	service workers would like a more stable and
3	predictable schedule.
4	(4) Unfair work scheduling practices make it
5	difficult for low-paid workers to—
6	(A) provide necessary care for children and
7	other family members, including securing and
8	maintaining stable child care;
9	(B) access and receive needed care for the
10	workers' own serious health conditions;
11	(C) pursue workforce training;
12	(D) get or keep a second job, which many
13	workers need to make ends meet;
14	(E) plan for and access transportation to
15	reach worksites; and
16	(F) qualify for and maintain eligibility for
17	needed public benefits and work supports, such
18	as child care subsidies and benefits under the
19	supplemental nutrition assistance program, due
20	to fluctuations in income and work hours.
21	(5) Unstable work schedules pre-date the pan-
22	demic and economic recession caused by COVID-19,
23	but the harm of these workplace practices is exacer-
24	bated as millions of workers risk their own health
25	and safety at jobs with few protections, volatile

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schedules, and inadequate hours, in an effort to support themselves and their families. Employers have continued to use "just-in-time" scheduling practices throughout the pandemic, even as workers face additional caregiving challenges due to school and child care closures and quarantines.

(6) A growing body of research demonstrates that unstable and unpredictable work schedules have significant detrimental impacts on sleep quality, mental health, and happiness, and are associated with unstable child care arrangements and negative health and behavioral outcomes for children. And impacts are likely to be the most severe for workers of color and their families, as workers of color are more likely than their White counterparts—even compared to White coworkers at the same company—to experience unstable work schedules. Unstable and unpredictable work schedules—and the work-family conflict they produce—are also associated with higher rates of turnover, which creates further instability for employers and workers. Some examples of the detrimental impacts of unstable and unpredictable work schedules are as follows:

(A) Unstable work schedules lead to more household economic strain and time conflicts

1	and undermine the well-being of parents, all of
2	which can negatively impact children's health
3	and behavior.
4	(B) Workers with the most severe insta-
5	bility in their work schedules also face the high-
6	est risk of negative behavior and health out-
7	comes for their children.
8	(C) The exposure of a parent to on-call
9	shifts and last-minute shift changes are associ-
10	ated with more unstable child care arrange-
11	ments and with the use of siblings to provide
12	care.
13	(D) Work schedule instability causes more
14	work-family conflict, which increases the chance
15	that a worker will be forced to leave his or her
16	job, which is associated with downward mobility
17	of the earnings of the worker.
18	(E)(i) Relative to White workers, workers
19	of color are more likely to—
20	(I) have cancelled shifts;
21	(II) have on-call shifts;
22	(III) be involuntary part-time work-
23	ers;
24	(IV) have trouble getting time off;
25	and

1	(V) work "clopening" shifts, as de-
2	scribed in paragraph (3)(B).
3	(ii) The statistics described in clause (i) re-
4	main true after controlling for demographics,
5	human capital, worker power, firm segregation,
6	and discordance with the race or ethnicity of
7	the worker and the manager. Race gaps in job
8	quality are greater for women of color.
9	(F) Workers who receive shorter advanced
10	notice, who work on-call shifts, who experience
11	last-minute shift cancellation and timing
12	changes, or with more volatile work hours are
13	more likely to experience hunger, residential
14	hardships, and more overall economic hardship.
15	(7) Unpredictable and unstable work schedules
16	are common in a wide range of occupations, with
17	evidence of particular concentration in food service,
18	retail, cleaning, hospitality, and warehouse occupa-
19	tions. These occupations are critically important to
20	the United States economy.
21	(8) Employers that have implemented fair work
22	scheduling policies that allow workers to have more
23	control over their work schedules, and provide more

predictable and stable schedules, have experienced

significant benefits, including reductions in absentee-

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1	ism and workforce turnover, and increased worker
2	morale and engagement. For example, when Gap
3	Inc. piloted strategies to make work schedules more
4	stable and predictable for employees, the Gap Inc.
5	stores that implemented these strategies experienced
6	higher productivity and a 7 percent increase in sales,
7	compared to those Gap Inc. stores that did not im-
8	plement these strategies.
9	(9) This Act is a first step in responding to the
10	needs of workers for a voice in the timing of their
11	work hours and for more predictable schedules.
12	SEC. 2. DEFINITIONS.
13	In this Act:
13 14	In this Act: (1) Bona fide business reason.—The term
14	(1) Bona fide business reason.—The term
14 15	(1) Bona fide business reason" means—
14 15 16	(1) Bona fide business reason.—The term "bona fide business reason" means— (A) the identifiable burden of additional
14 15 16 17	(1) Bona fide business reason.—The term "bona fide business reason" means—(A) the identifiable burden of additional costs to an employer, including the cost of pro-
14 15 16 17	 (1) Bona fide business reason" means— (A) the identifiable burden of additional costs to an employer, including the cost of productivity loss, retraining or hiring employees, or
14 15 16 17 18	 (1) Bona fide business reason" means— (A) the identifiable burden of additional costs to an employer, including the cost of productivity loss, retraining or hiring employees, or transferring employees from one facility to an-
14 15 16 17 18 19 20	(1) Bona fide business reason" means— (A) the identifiable burden of additional costs to an employer, including the cost of productivity loss, retraining or hiring employees, or transferring employees from one facility to another facility;
14 15 16 17 18 19 20 21	 (1) Bona fide business reason" means— (A) the identifiable burden of additional costs to an employer, including the cost of productivity loss, retraining or hiring employees, or transferring employees from one facility to another facility; (B) a significant detrimental effect on the
14 15 16 17 18 19 20 21	 (1) Bona fide business reason" means— (A) the identifiable burden of additional costs to an employer, including the cost of productivity loss, retraining or hiring employees, or transferring employees from one facility to another facility; (B) a significant detrimental effect on the employer's ability to meet organizational needs

- existing (as of the date of the reorganization)
 staff;
 - (D) a significant detrimental effect on business performance;
 - (E) insufficiency of work during the periods an employee proposes to work;
 - (F) the need to balance competing scheduling requests when it is not possible to grant all such requests without a significant detrimental effect on the employer's ability to meet organizational needs; or
 - (G) such other reason as may be specified by the Secretary of Labor (or, as applicable, the corresponding administrative officer specified in section 7(e)).
 - (2) Career-related educational or training program" means an educational or training program or program of study offered by a public, private, or nonprofit career and technical education school, institution of higher education, or other entity that provides academic education, career and technical education or training (including remedial education or English as a second language, as appropriate), that is a program that leads to a rec-

1	ognized postsecondary credential (as identified under
2	section 122(d) of the Workforce Innovation and Op-
3	portunity Act (29 U.S.C. 3152(d))), and provides
4	career awareness information. The term includes a
5	program allowable under the Workforce Innovation
6	and Opportunity Act (29 U.S.C. 3101 et seq.), the
7	Carl D. Perkins Career and Technical Education
8	Act of 2006 (20 U.S.C. 2301 et seq.), or the Higher
9	Education Act of 1965 (20 U.S.C. 1001 et seq.),
10	without regard to whether or not the program is
11	funded under the corresponding Act.
12	(3) Caregiver.—The term "caregiver" means
13	an individual with the status of being a significant
14	provider of—
15	(A) ongoing care or education, including
16	responsibility for securing the ongoing care or
17	education, of a child; or
18	(B) ongoing care, including responsibility
19	for securing the ongoing care, of—
20	(i) a person with a serious health con-
21	dition who is in a family relationship with
22	the individual; or
23	(ii) a parent of the individual, who is
24	age 65 or older.

1	(4) Child.—The term "child" means a biologi-
2	cal, adopted, or foster child, a stepchild, a legal
3	ward, or a child of a person standing in loco
4	parentis to that child, who is—
5	(A) under age 18; or
6	(B) age 18 or older and incapable of self-
7	care because of a mental or physical disability.
8	(5) Commerce terms.—The terms "com-
9	merce" and "industry or activity affecting com-
10	merce" have the meanings given the terms in section
11	101 of the Family and Medical Leave Act of 1993
12	(29 U.S.C. 2611).
13	(6) Covered employer.—
14	(A) IN GENERAL.—The term "covered em-
15	ployer''—
16	(i) means any person engaged in com-
17	merce or in any industry or activity affect-
18	ing commerce who employs 15 or more em-
19	ployees (described in paragraph (9)(A));
20	(ii) includes any person who acts, di-
21	rectly or indirectly, in the interest of such
22	an employer to any of the employees (de-
23	scribed in paragraph (9)(A)) of such em-
24	ployer;

1	(iii) includes any successor in interest
2	of such an employer; and
3	(iv) includes an agency described in
4	subparagraph (A)(iii) of section 101(4) of
5	the Family and Medical Leave Act of 1993
6	(29 U.S.C. 2611(4)), to which subpara-
7	graph (B) of such section shall apply.
8	(B) Rule.—For purposes of determining
9	the number of employees who work for a person
10	described in subparagraph (A)(i), all employees
11	(described in paragraph (9)(A)) performing
12	work for compensation on a full-time, part-time,
13	or temporary basis shall be counted, except that
14	if the number of such employees who perform
15	work for such a person for compensation fluc-
16	tuates, the number may be determined for a
17	calendar year based upon the average number
18	of such employees who performed work for the
19	person for compensation during the preceding
20	calendar year.
21	(C) Person.—In this paragraph, the term
22	"person" has the meaning given the term in
23	section 3 of the Fair Labor Standards Act of
24	1938 (29 U.S.C. 203).

1	(7) Domestic Partner.—The term "domestic
2	partner" means the individual recognized as being in
3	a relationship with an employee under any domestic
4	partnership, civil union, or similar law of the State
5	or political subdivision of a State in which the em-
6	ployee resides.
7	(8) Employ.—The term "employ" has the
8	meaning given the term in section 3 of the Fair
9	Labor Standards Act of 1938 (29 U.S.C. 203).
10	(9) Employee.—The term "employee" means
11	an individual who is—
12	(A) an employee, as defined in section 3(e)
13	of the Fair Labor Standards Act of 1938 (29
14	U.S.C. 203(e)), who is not described in any of
15	subparagraphs (B) through (G);
16	(B) a State employee described in section
17	304(a) of the Government Employee Rights Act
18	of 1991 (42 U.S.C. 2000e–16c(a));
19	(C) a covered employee, as defined in sec-
20	tion 101 of the Congressional Accountability
21	Act of 1995 (2 U.S.C. 1301), other than an ap-
22	plicant for employment;
23	(D) a covered employee, as defined in sec-
24	tion 411(c) of title 3. United States Code:

1	(E) a Federal officer or employee covered
2	under subchapter V of chapter 63 of title 5,
3	United States Code;
4	(F) an employee of the Library of Con-
5	gress; or
6	(G) an employee of the Government Ac-
7	countability Office.
8	(10) Employer.—The term "employer" means
9	a person—
10	(A) who is—
11	(i) a covered employer, as defined in
12	paragraph (6), who is not described in any
13	of clauses (ii) through (vii);
14	(ii) an entity employing a State em-
15	ployee described in section 304(a) of the
16	Government Employee Rights Act of 1991;
17	(iii) an employing office, as defined in
18	section 101 of the Congressional Account-
19	ability Act of 1995;
20	(iv) an employing office, as defined in
21	section 411(c) of title 3, United States
22	Code;
23	(v) an employing agency covered
24	under subchapter V of chapter 63 of title
25	5, United States Code;

1	(vi) the Librarian of Congress; or
2	(vii) the Comptroller General of the
3	United States; and
4	(B) who is engaged in commerce (including
5	government), in the production of goods for
6	commerce, or in an enterprise engaged in com-
7	merce (including government) or in the produc-
8	tion of goods for commerce.
9	(11) Family relationship.—The term "fam-
10	ily relationship" means a relationship with—
11	(A) a child, spouse, domestic partner, par-
12	ent, grandchild, grandparent, sibling, or parent
13	of a spouse or domestic partner; or
14	(B) any individual related to the employee
15	involved by blood or affinity, whose close asso-
16	ciation with the employee is the equivalent of a
17	family relationship described in subparagraph
18	(A).
19	(12) Grandchild.—The term "grandchild"
20	means the child of a child.
21	(13) Grandparent.—The term "grandparent"
22	means the parent of a parent.
23	(14) Hospitality establishment.—The
24	term "hospitality establishment" means a hotel

1	motel, inn, or similar transient lodging establish-
2	ment.
3	(15) MINIMUM NUMBER OF EXPECTED WORK
4	HOURS.—The term "minimum number of expected
5	work hours" means the minimum number of hours
6	an employee will be assigned to work on a weekly or
7	monthly basis.
8	(16) Nonexempt employee.—The term "non-
9	exempt employee" means an employee who is not
10	employed in a bona fide executive, administrative, or
11	professional capacity, as defined for purposes of sec-
12	tion 13(a)(1) of the Fair Labor Standards Act of
13	1938 (29 U.S.C. 213(a)(1)).
14	(17) On-Call shift.—The term "on-call shift"
15	means any time during which an employer requires
16	an employee to—
17	(A) be available to work; and
18	(B) contact the employer or the designed
19	of the employer, or wait to be contacted by the
20	employer or designee, to determine whether the
21	employee is required to report to work at that
22	time.
23	(18) Parent.—The term "parent" means a bi-

ological or adoptive parent, a stepparent, or a person

- who stood in a parental relationship to an employee when the employee was a child.
 - (19) Parental relationship" means a relationship in which a person assumed the obligations incident to parenthood for a child and discharged those obligations before the child reached adulthood.
 - (20) Retail, food service, cleaning, hospitality, or ware"retail, food service, cleaning, hospitality, or warehouse employee" means a nonexempt employee who
 is employed in a hospitality establishment, in a
 warehouse establishment, or in any of the following
 occupations, as described by the Bureau of Labor
 Statistics Standard Occupational Classification System (as in effect on the day before the date of enactment of this Act):
 - (A) Retail sales occupations consisting of occupations described in 41–1010 and 41–2000, and all subdivisions thereof, of such System, which includes first-line supervisors of sales workers, cashiers, gambling change persons and booth cashiers, counter and rental clerks, parts salespersons, and retail salespersons.

- (B) Food preparation and serving related occupations as described in 35–0000, and all subdivisions thereof, of such System, which in-cludes supervisors of food preparation and serv-ing workers, cooks and food preparation work-ers, food and beverage serving workers, and other food preparation and serving related workers.
 - (C) Cleaning occupations as described in 37–2011, 37–2012, and 37–2019 of such System, which includes janitors and cleaners, maids and housekeeping cleaners, and building cleaning workers.
 - (21) Secretary.—The term "Secretary" means the Secretary of Labor.
 - (22) Secretary's designated employee" means an employee employed in an occupation, other than a retail, food service, cleaning, hospitality, or warehouse occupation, that is designated by the Secretary under section 9(a)(2) as appropriate for coverage under section 4.
 - (23) Serious health condition.—The term "serious health condition" has the meaning given

1	the term in section 101 of the Family and Medical
2	Leave Act of 1993 (29 U.S.C. 2611).
3	(24) Sibling.—The term "sibling" means a
4	brother or sister, whether related by half blood,
5	whole blood, or adoption, or as a stepsibling.
6	(25) Split shift.—The term "split shift"
7	means a schedule of daily hours in which the hours
8	worked are not consecutive, except that—
9	(A) a schedule in which the total time out
10	for meals does not exceed one hour shall not be
11	treated as a split shift; and
12	(B) a schedule in which the break in the
13	employee's work shift is requested by the em-
14	ployee shall not be treated as a split shift.
15	(26) Spouse.—
16	(A) In General.—The term "spouse"
17	means a person with whom an individual en-
18	tered into—
19	(i) a marriage as defined or recog-
20	nized under State law in the State in
21	which the marriage was entered into; or
22	(ii) in the case of a marriage entered
23	into outside of any State, a marriage that
24	is recognized in the place where entered

- 1 into and could have been entered into in at 2 least 1 State.
- 3 (B) Same-sex or common law mar-4 RIAGE.—Such term includes an individual in a 5 same-sex or common law marriage that meets 6 the requirements of subparagraph (A).
 - (27) 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).
 - (28) Warehouse establishment" means any business that engages primarily in the storage of goods, wares, or commodities for hire or compensation, and, in connection with such storage, may include the loading, packing, sorting, stacking, wrapping, distribution, or delivery of those goods, wares, or commodities.
 - (29) Work schedule.—The term "work schedule" means all of an employee's work shifts and on-call shifts, including specific start and end times for each shift, during a consecutive 7-day period.
 - (30) Work schedule change" means any modification to an employee's work schedule, such as an addition or reduction of hours, cancellation of a shift, or a

1	change in the date or time of a work shift, by an
2	employer.
3	(31) Work shift.—The term "work shift"
4	means the specific hours of the workday during
5	which an employee works.
6	SEC. 3. RIGHT TO REQUEST AND RECEIVE A FLEXIBLE
7	PREDICTABLE, OR STABLE WORK SCHEDULE
8	(a) RIGHT TO REQUEST.—An employee may apply
9	to the employee's employer to request a change in the
10	terms and conditions of employment as they relate to—
11	(1) the number of hours the employee is re-
12	quired to work or be on call for work;
13	(2) the times when the employee is required to
14	work or be on call for work;
15	(3) the location where the employee is required
16	to work;
17	(4) the amount of notification the employee re-
18	ceives of work schedule assignments; and
19	(5) minimizing fluctuations in the number of
20	hours the employee is scheduled to work on a daily
21	weekly, or monthly basis.
22	(b) EMPLOYER OBLIGATION TO ENGAGE IN AN
23	Interactive Process.—
24	(1) In general.—If an employee applies to the
25	employee's employer to request a change in the

1	terms and conditions of employment as set forth in
2	subsection (a), the employer shall engage in a time-
3	ly, good-faith interactive process with the employee
4	that includes a discussion of potential schedule
5	changes that would meet the employee's needs.
6	(2) Result.—Such process shall result in—
7	(A) subject to subsections (c) and (d), ei-
8	ther granting or denying the request; and
9	(B) in the event of a denial—
10	(i) considering alternatives to the pro-
11	posed change that might meet the employ-
12	ee's needs and granting or denying a re-
13	quest for an alternative change in the
14	terms and conditions of employment as set
15	forth in subsection (a); and
16	(ii) stating the reason for denial, in-
17	cluding whether any such reason is a bona
18	fide business reason.
19	(3) Information.—If information provided by
20	the employee making a request under this section re-
21	quires clarification, the employer shall explain what
22	further information is needed and give the employee
23	reasonable time to produce the information.
24	(c) Requests Related to Caregiving, Enroll-
25	MENT IN EDUCATION OF TRAINING OF A SECOND JOB —

- If an employee makes a request for a change in the terms and conditions of employment as set forth in subsection 3 (a) because of a serious health condition of the employee, 4 due to the employee's responsibilities as a caregiver, or 5 due to the employee's enrollment in a career-related educational or training program, or if an employee makes a 6 request for such a change for a reason related to a second 8 job, the employer shall grant the request, unless the employer has a bona fide business reason for denying the re-10 quest. 11 (d) Other Requests.—If an employee makes a re-12 quest for a change in the terms and conditions of employ-13 ment as set forth in subsection (a), for a reason other than those reasons set forth in subsection (c), the employer may 14 15 deny the request for any reason that is not unlawful. If the employer denies such a request, the employer shall 16 17 provide the employee with the reason for the denial, in-18 cluding whether any such reason is a bona fide business 19 reason. SEC. 4. REQUIREMENTS FOR ADVANCE NOTICE OF WORK 21 **PREDICTABILITY** SCHEDULES. PAY, 22 SPLIT SHIFT PAY FOR RETAIL, FOOD SERV-23 ICE, CLEANING, HOSPITALITY, WAREHOUSE, 24
- 25 (a) Advance Notice Requirement.—

OR SECRETARY'S DESIGNATED EMPLOYEES.

1	(1) Providing notice of work sched-
2	ULES.—
3	(A) IN GENERAL.—An employer shall pro-
4	vide a retail, food service, cleaning, hospitality,
5	or warehouse employee, or Secretary's des-
6	ignated employee, with the work schedule of the
7	employee—
8	(i) not less than 14 days before the
9	first day of such work schedule; or
10	(ii) in the case of a new retail, food
11	service, cleaning, hospitality, or warehouse
12	employee, or Secretary's designated em-
13	ployee, on or before the first day of work
14	of such employee.
15	(B) Compensation for failure to pro-
16	VIDE NOTICE OF WORK SCHEDULE.—An em-
17	ployer that violates subparagraph (A) shall
18	compensate each affected employee in the
19	amount of \$75 per day that a work schedule is
20	not provided in violation of such subparagraph.
21	(C) Work schedule change.—An em-
22	ployer may make a work schedule change for
23	the work schedule of a retail, food service,
24	cleaning, hospitality, or warehouse employee, or

1	Secretary's designated employee, provided in ac-
2	cordance with subparagraph (A) if—
3	(i) such work schedule change is made
4	not less than 14 days prior to the first day
5	on which the change is to take effect; or
6	(ii) the employer provides predict-
7	ability pay for such change in accordance
8	with subsection (b).
9	(D) MINIMUM EXPECTED WORK HOURS.—
10	(i) In general.—An employer shall
11	inform a retail, food service, cleaning, hos-
12	pitality, or warehouse employee, or Sec-
13	retary's designated employee, of an esti-
14	mate of the minimum number of expected
15	work hours the employee will be assigned
16	to work per month for the following 12-
17	month period—
18	(I) in the case of a new retail,
19	food service, cleaning, hospitality, or
20	warehouse employee, or Secretary's
21	designated employee, on or before the
22	first day of work of such employee; or
23	(II) in the case of a retail, food
24	service, cleaning, hospitality, or ware-
25	house employee, or Secretary's des-

1	ignated employee, who is employed by
2	the employer on the date of enactment
3	of this Act, not later than 90 days
4	after such date.
5	(ii) Updating minimum expected
6	WORK HOURS.—An employer shall, not less
7	than once each year, provide each employee
8	an updated estimate of the minimum num-
9	ber of expected work hours the employee
10	will be assigned to work per month for the
11	following 12-month period. Such a revised
12	estimate shall be provided not later than
13	the earlier of (as applicable)—
14	(I) 1 year after the date on which
15	the estimate was provided under
16	clause (i) or the most recent update of
17	an estimate was provided under this
18	clause; or
19	(II) the day before the effective
20	date of a significant change to the
21	minimum expected work hours of the
22	employee due to changes in the avail-
23	ability of the employee or to the busi-
24	ness needs of the employer.

(2) Notifications in writing.—The notifications required under subparagraphs (A) and (D) of paragraph (1) shall be made to the employee involved in writing.

(3) Schedule Posting Requirement.—

- (A) In General.—Every employer employing any retail, food service, cleaning, hospitality, or warehouse employee, or Secretary's designated employee, shall post a copy of the work schedule of each such employee and keep it posted in a conspicuous place in every establishment where such employee is employed so as to permit the employee involved to readily observe the copy. Availability of that schedule by electronic means accessible to all retail, food service, cleaning, hospitality, or warehouse employees, or Secretary's designated employees, of that employer shall be considered compliance with this subparagraph.
- (B) RIGHT TO DECLINE.—A retail, food service, cleaning, hospitality, or warehouse employee, or Secretary's designated employee, may decline, without penalty, to work any hours not included in the work schedule posted under subparagraph (A) as work hours for the employee.

1	(C) Consent.—Except as described in
2	subsection (b)(2), if a retail, food service, clean-
3	ing, hospitality, or warehouse employee, or Sec-
4	retary's designated employee, voluntarily con-
5	sents to work any hours not posted under sub-
6	paragraph (A), such consent must be recorded
7	in writing.
8	(4) Rule of Construction.—Nothing in this
9	subsection shall be construed to prohibit an em-
10	ployer from—
11	(A) providing greater advance notice of the
12	work schedule of a retail, food service, cleaning,
13	hospitality, or warehouse employee, or Sec-
14	retary's designated employee, than is required
15	under this subsection; or
16	(B) using any means, in addition to the
17	written means required under paragraph (2), of
18	notifying a retail, food service, cleaning, hospi-
19	tality, or warehouse employee, or Secretary's
20	designated employee, of the work schedule of
21	the employee.
22	(b) Predictability Pay for Work Schedule
23	CHANGES MADE WITH LESS THAN 14 DAYS' NOTICE.—
24	(1) In general.—Except as provided in para-
25	graph (2), for each work schedule change provided

1 to a retail, food service, cleaning, hospitality, or 2 warehouse employee, or Secretary's designated em-3 ployee, that occurs less than 14 days prior to the 4 first day on which the change is to take effect, the 5 employer of the affected employee shall be required 6 to provide the affected employee with pay (referred to in this subsection as "predictability pay") at the 7 8 following rates:

- (A) The employee's regular rate of pay per hour that the employee works plus one additional hour at such regular rate per work schedule change if the employer—
 - (i) adds any hours to the hours the employee is scheduled to work under subsection (a); or
 - (ii) changes the date, time, or location of the work shift the employee is scheduled to work under subsection (a) with no loss of hours.
- (B) Not less than ½ times the employee's regular rate of pay per hour for any hour that the employee is scheduled to work under subsection (a) and does not work due to the employer reducing or canceling such scheduled hours of work.

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1	(2) Exceptions to predictability pay.—An
2	employer shall not be required to pay predictability
3	pay under paragraph (1), or to obtain written con-
4	sent pursuant to subsection (a)(3)(C), under any of
5	the following circumstances:
6	(A) A retail, food service, cleaning, hospi-
7	tality, or warehouse employee, or Secretary's
8	designated employee, requests a shift change in
9	writing, including through the use of sick leave,
10	vacation leave, or any other leave policy offered
11	by the employer.
12	(B) A schedule change is the result of a
13	mutually agreed upon shift trade or coverage
14	arrangement between retail, food service, clean-
15	ing, hospitality, or warehouse employees, or
16	Secretary's designated employees, subject to
17	any policy of the employer regarding required
18	conditions for employees to exchange shifts.
19	(C) The employer's operations cannot
20	begin or continue due to—
21	(i) a threat to the property of an em-
22	ployee or the employer;
23	(ii) the failure of a public utility or
24	the shutdown of public transportation;

1	(iii) a fire, flood, or other natural dis-				
2	aster;				
3	(iv) a state of emergency declared by				
4	the President of the United States or by				
5	the Governor of the State, or the mayor of				
6	the city, in which the operations are lo-				
7	cated; or				
8	(v) a severe weather condition that				
9	poses a threat to employee safety.				
10	(c) Split Shift Pay Requirement.—An employer				
11	shall pay a retail, food service, cleaning, hospitality, or				
12	warehouse employee, or Secretary's designated employee,				
13	for 1 additional hour at the employee's regular rate of pay				
14	for each day during which the employee works a split shift.				
15	(d) Pay Stub Transparency.—Any pay provided				
16	to an employee pursuant to subsection (a), (b), or (c) (re-				
17	ferred to in this subsection as "additional pay") shall be				
18	included in the employee's regular paycheck. The employer				
19	shall identify, in the corresponding written wage statement				
20	or pay stub, the total number of hours of additional pay				
21	provided for the pay period involved and whether the addi-				
22	tional pay was due to the requirements of subsection (a),				
23	the requirements of subsection (b), or the requirements				
24	of subsection (c).				

SEC. 5. RIGHT TO REST BETWEEN WORK SHIFTS.

- 2 (a) In General.—An employee employed by a cov-
- 3 ered employer may decline, without penalty, to work any
- 4 work shift or on-call shift that is scheduled or otherwise
- 5 occurs—
- 6 (1) less than 11 hours after the end of the work
- 7 shift or on-call shift for the previous day; or
- 8 (2) during the 11 hours following the end of a
- 9 work shift or on-call shift that spanned 2 days.
- 10 (b) Consent.—
- 11 (1) IN GENERAL.—A covered employer shall ob-
- tain written consent from an employee in order for
- the employee to work any shift described in sub-
- section (a). Such consent may be for each such shift
- or for multiple shifts.
- 16 (2) Revocation.—An employee may revoke the
- 17 consent provided under paragraph (1), in writing, at
- any time during the employment.
- (c) Compensation.—For each instance that an em-
- 20 ployee employed by a covered employer works a shift de-
- 21 scribed in subsection (a), the covered employer shall com-
- 22 pensate the employee at 1.5 times the employee's sched-
- 23 uled rate of pay for the hours worked that are less than
- 24 11 hours apart from the hours worked during the previous
- 25 shift.

SEC. 6. PROHIBITED ACTS.

	2	(a)	Interference	With	RIGHTS	—It	shall	be	u.
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- 3 lawful for any employer to interfere with, restrain, or deny
- 4 the exercise or the attempt to exercise, any right of—
- 5 (1) an employee as set forth in section 3;
- 6 (2) a retail, food service, cleaning, hospitality,
- 7 or warehouse employee, or Secretary's designated
- 8 employee, as set forth in section 4; or
- 9 (3) an employee of a covered employer as set
- forth in section 5.
- 11 (b) RETALIATION PROHIBITED.—It shall be unlawful
- 12 for any employer to discharge, threaten to discharge, de-
- 13 mote, suspend, reduce work hours of, or take any other
- 14 adverse employment action against any employee in retal-
- 15 iation for exercising the rights of an employee under this
- 16 Act or opposing any practice made unlawful by this Act.
- 17 For purposes of section 3, such retaliation shall include
- 18 taking an adverse employment action against any em-
- 19 ployee on the basis of that employee's request for a change
- 20 in work schedule, or because of an employee's eligibility
- 21 or perceived eligibility to request or receive a change in
- 22 the terms and conditions of employment, as described in
- 23 such section, on the basis of a reason set forth in section
- 24 3(e).
- 25 (c) Interference With Proceedings or Inquir-
- 26 IES.—It shall be unlawful for any person to discharge or

in any other manner discriminate against any individual 2 because such individual— 3 (1) has filed any charge, or has instituted or 4 caused to be instituted any proceeding, under or re-5 lated to this Act; 6 (2) has given or is about to give, any information in connection with any inquiry or proceeding re-7 8 lating to any right provided under this Act; or 9 (3) has testified, or is about to testify, in any 10 inquiry or proceeding relating to any right provided 11 under this Act. 12 SEC. 7. REMEDIES AND ENFORCEMENT. 13 (a) Investigative Authority.— 14 (1) In General.—To ensure compliance with 15 this Act, or any regulation or order issued under 16 this Act, the Secretary shall have, subject to para-17 graph (3), the investigative authority provided under 18 section 11(a) of the Fair Labor Standards Act of 19 1938 (29 U.S.C. 211(a)). 20 Obligation to keep AND PRESERVE 21 RECORDS.—Each employer shall make, keep, and 22 preserve records pertaining to compliance with this 23 Act in accordance with regulations issued by the

Secretary under section 9.

- (3) Required submissions generally Lim-ITED TO AN ANNUAL BASIS.—The Secretary shall not require, under the authority of this subsection, any employer to submit to the Secretary any books or records more than once during any 12-month pe-riod, 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 subsection (c).
 - (4) Subpoena powers.—For the purposes of any investigation provided for in this section, 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).

(b) CIVIL ACTION BY EMPLOYEES.—

(1) Liability.—

(A) IN GENERAL.—Any employer who violates section 6(a)(2) (with respect to a right set forth in subsection (a), (b), or (c) of section 4), section 5, or subsection (b) or (c) of section 6 (each such provision referred to in this section as a "covered provision") shall be liable to any employee affected for—

(i) damages equal to the amount of—

1	(I) any wages, salary, employ-
2	ment benefits (as defined in section
3	101 of the Family and Medical Leave
4	Act of 1993 (29 U.S.C. 2611)), or
5	other compensation denied, lost, or
6	owed to such employee by reason of
7	the violation; or
8	(II) in a case in which wages,
9	salary, employment benefits (as so de-
10	fined), or other compensation have
11	not been denied, lost, or owed to the
12	employee, any actual monetary losses
13	sustained by the employee as a direct
14	result of the violation;
15	(ii) interest on the amount described
16	in clause (i) calculated at the prevailing
17	rate;
18	(iii) except as described in subpara-
19	graph (B), an additional amount as liq-
20	uidated damages equal to the sum of the
21	amount described in clause (i) and the in-
22	terest described in clause (ii); and
23	(iv) such equitable relief as may be
24	appropriate, including employment, rein-
25	statement, and promotion.

- (B) EXCEPTION FOR LIQUIDATED DAM-AGES.—If an employer who has violated a cov-ered provision proves to the satisfaction of the court that the act or omission which violated the covered provision was in good faith and that the employer had reasonable grounds for believ-ing that the act or omission was not a violation of a covered provision, such court may, in the discretion of the court, waive such liquidated damages.
 - (2) Right of action.—An action to recover the damages, interest, or equitable relief set forth in paragraph (1) may be maintained against any employer (including a public agency) in any Federal or State court of competent jurisdiction by any one or more employees for and on behalf of—
 - (A) the employees; or
 - (B) the employees and any other employees similarly situated.
 - (3) FEES AND COSTS.—The court in such an action 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.

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(4) LIMITATIONS.—The right provided by paragraph (2) to bring an action by or on behalf of any employee shall terminate on the filing of a complaint by the Secretary in an action under subsection (c)(4) in which a recovery is sought of the damages, interest, or equitable relief described in paragraph (1)(A) owing to an employee by an employer liable under paragraph (1) unless the action described is dismissed without prejudice on motion of the Secretary.

(c) ACTIONS BY THE SECRETARY.—

- (1) Administrative action.—The Secretary shall receive, investigate, and attempt to resolve complaints of violations of this Act 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), and may issue an order making determinations, and assessing a civil penalty described in paragraph (3) (in accordance with paragraph (3)), with respect to such an alleged violation.
- ADMINISTRATIVE REVIEW.—An affected person who takes exception to an order issued under paragraph (1) may request review of and a decision regarding such an order by an administrative law judge. In reviewing the order, the administrative law

1	judge may hold an administrative hearing con-
2	cerning the order, in accordance with the require-
3	ments of sections 554, 556, and 557 of title 5,
4	United States Code. Such hearing shall be conducted
5	expeditiously. If no affected person requests such re-
6	view within 60 days after the order is issued under
7	paragraph (1), the order shall be considered to be a
8	final order that is not subject to judicial review.
9	(3) Civil Penalty.—An employer who willfully
10	and repeatedly violates—
11	(A) section 4 or 5 shall be subject to a civil
12	penalty in an amount to be determined by the
13	Secretary, but not to exceed \$100 per violation;
14	and
15	(B) subsection (b) or (c) of section 6 shall
16	be subject to a civil penalty in an amount to be
17	determined by the Secretary, but not to exceed
18	\$1,100 per violation.
19	(4) CIVIL ACTION.—The Secretary may bring
20	an action in any court of competent jurisdiction on
21	behalf of aggrieved employees to—
22	(A) restrain violations of this Act;
23	(B) award such equitable relief as may be
24	appropriate, including employment, reinstate-
25	ment, and promotion; and

1 (C) in the case of a violation of a covered 2 provision, recover the damages and interest de-3 scribed in clauses (i) through (iii) of subsection 4 (b)(1)(A). 5 (d) Limitation.—

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- (1) In General.—Except as provided in paragraph (2), an action may be brought under this section not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.
- (2) WILLFUL VIOLATION.—In the case of such action brought for a willful violation of section 6, such action may be brought within 3 years of the date of the last event constituting the alleged violation for which such action is brought.
- (3) COMMENCEMENT.—In determining when an action is commenced by the Secretary or by an employee under this section for the purposes of this subsection, it shall be considered to be commenced on the date when the complaint is filed.

(e) OTHER ADMINISTRATIVE OFFICERS.—

(1) Board.—In the case of employees described in section 2(9)(C), the authority of the Secretary under this Act shall be exercised by the Board of Di-

- rectors of the Office of Congressional Workplace Rights.
- 3 (2) PRESIDENT; MERIT SYSTEMS PROTECTION
 4 BOARD.—In the case of employees described in sec5 tion 2(9)(D), the authority of the Secretary under
 6 this Act shall be exercised by the President and the
 7 Merit Systems Protection Board.
 - (3) Office of Personnel Management.—In the case of employees described in section 2(9)(E), the authority of the Secretary under this Act shall be exercised by the Office of Personnel Management.
 - (4) LIBRARIAN OF CONGRESS.—In the case of employees of the Library of Congress, the authority of the Secretary under this Act shall be exercised by the Librarian of Congress.
- 16 (5) COMPTROLLER GENERAL.—In the case of
 17 employees of the Government Accountability Office,
 18 the authority of the Secretary under this Act shall
 19 be exercised by the Comptroller General of the
 20 United States.

21 SEC. 8. NOTICE AND POSTING.

22 (a) IN GENERAL.—Each employer shall post and 23 keep posted, in conspicuous places on the premises of the 24 employer where notices to employees and applicants for 25 employment are customarily posted, a notice, to be pre-

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- 1 pared or approved by the Secretary (or, as applicable, the
- 2 corresponding administrative officer specified in section
- 3 7(e)) setting forth excerpts from, or summaries of, the
- 4 pertinent provisions of this Act and information pertaining
- 5 to the filing of a complaint under this Act.
- 6 (b) Penalty.—Any employer that willfully violates
- 7 this section may be assessed a civil money penalty not to
- 8 exceed \$100 for each separate offense.

9 SEC. 9. REGULATIONS.

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10 (a) Secretary of Labor.—

- (1) IN GENERAL.—Except as provided in subsections (b) through (f), not later than 180 days after the date of enactment of this Act, the Secretary shall issue such regulations as may be necessary to implement this Act.
- (2) REGULATIONS REGARDING ADDITIONAL OC-CUPATIONS TO BE COVERED.—
- (A) In General.—In carrying out paragraph (1), the Secretary shall issue regulations that specify a process the Secretary will follow, in accordance with subparagraph (B), to identify and designate occupations in addition to retail, food service, cleaning, hospitality, or warehouse occupations that are appropriate for coverage under section 4. Nonexempt employees in

1	occupations designated under this subparagraph
2	shall be Secretary's designated employees.
3	(B) Criteria.—The regulations under
4	subparagraph (A) shall provide that the Sec-
5	retary shall so designate an additional occupa-
6	tion—
7	(i) in which not less than 10 percent
8	of workers employed in the occupation gen-
9	erally—
10	(I) receive advance notice of their
11	work schedules less than 14 days be-
12	fore the first day of the work sched-
13	ules; or
14	(II) experience fluctuations in the
15	number of hours the employees are
16	scheduled to work on a daily, weekly,
17	or monthly basis; or
18	(ii) for which the Secretary deter-
19	mines such designation is appropriate.
20	(C) Data review.—In issuing regulations
21	under subparagraph (A), the Secretary shall
22	specify the process by which the Department of
23	Labor will review data from stakeholders, and
24	data collected or generated by the Department,
25	in designating occupations.

(b) Board.—

- (1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Board of Directors of the Office of Congressional Workplace Rights shall issue such regulations as may be necessary to implement this Act with respect to employees described in section 2(9)(C). The procedures applicable to regulations of the Board issued for the implementation of the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.), prescribed in section 304 of that Act (2 U.S.C. 1384), shall be the procedures applicable to regulations issued under this subsection.
- (2) Consideration.—In prescribing the regulations, the Board shall take into consideration the enforcement and remedies provisions concerning the Office, and applicable to rights and protections under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.).
- (3) Modifications.—The regulations issued under paragraph (1) to implement this Act shall be the same as substantive regulations issued by the Secretary to implement this Act, except to the extent that the Board may determine, for good cause

shown and stated together with the regulations issued by the Board, that a modification of such substantive regulations would be more effective for the implementation of the rights and protections under this Act with respect to the employees described in section 2(9)(C).

(c) President.—

- (1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the President shall issue such regulations as may be necessary to implement this Act with respect to employees described in section 2(9)(D).
- (2) Consideration.—In prescribing the regulations, the President shall take into consideration the enforcement and remedies provisions concerning the President and the Merit Systems Protection Board, and applicable to rights and protections under the Family and Medical Leave Act of 1993, under chapter 5 of title 3, United States Code.
- (3) Modifications.—The regulations issued under paragraph (1) to implement this Act shall be the same as substantive regulations issued by the Secretary to implement this Act, except to the extent that the President may determine, for good cause shown and stated together with the regulations

issued by the President, that a modification of such substantive regulations would be more effective for the implementation of the rights and protections under this Act with respect to the employees described in section 2(9)(D).

(d) Office of Personnel Management.—

- (1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Office of Personnel Management shall issue such regulations as may be necessary to implement this Act with respect to employees described in section 2(9)(E).
- (2) Consideration.—In prescribing the regulations, the Office shall take into consideration the enforcement and remedies provisions concerning the Office under subchapter V of chapter 63 of title 5, United States Code.
- (3) Modifications.—The regulations issued under paragraph (1) to implement this Act shall be the same as substantive regulations issued by the Secretary to implement this Act, except to the extent that the Office may determine, for good cause shown and stated together with the regulations issued by the Office, that a modification of such substantive regulations would be more effective for the imple-

- 1 mentation of the rights and protections under this
- 2 Act with respect to the employees described in sec-
- 3 tion 2(9)(E).

(e) Librarian of Congress.—

- (1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Librarian of Congress shall issue such regulations as may be necessary to implement this Act with respect to employees of the Library of Congress.
- (2) Consideration.—In prescribing the regulations, the Librarian shall take into consideration the enforcement and remedies provisions concerning the Librarian of Congress under title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.).
- (3) Modifications.—The regulations issued under paragraph (1) to implement this Act shall be the same as substantive regulations issued by the Secretary to implement this Act, except to the extent that the Librarian may determine, for good cause shown and stated together with the regulations issued by the Librarian, that a modification of such substantive regulations would be more effective for the implementation of the rights and protections

under this Act with respect to employees of the Li brary of Congress.

(f) Comptroller General.—

- (1) In General.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall issue such regulations as may be necessary to implement this Act with respect to employees of the Government Accountability Office.
- (2) Consideration.—In prescribing the regulations, the Comptroller General shall take into consideration the enforcement and remedies provisions concerning the Comptroller General under title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.).
- (3) Modifications.—The regulations issued under paragraph (1) to implement this Act shall be the same as substantive regulations issued by the Secretary to implement this Act, except to the extent that the Comptroller General may determine, for good cause shown and stated together with the regulations issued by the Comptroller General, that a modification of such substantive regulations would be more effective for the implementation of the rights and protections under this Act with respect to employees of the Government Accountability Office.

1	SEC. 10. RESEARCH, EDUCATION, AND TECHNICAL ASSIST-
2	ANCE PROGRAM AND SURVEYS.
3	(a) In General.—The Secretary shall provide infor-
4	mation and technical assistance to employers, labor orga-
5	nizations, and the general public concerning compliance
6	with this Act.
7	(b) Program.—In order to achieve the objectives of
8	this Act—
9	(1) the Secretary, acting through the Adminis-
10	trator of the Wage and Hour Division of the Depart-
11	ment of Labor, shall issue guidance on compliance
12	with this Act regarding providing a flexible, predict-
13	able, or stable work environment through changes in
14	the terms and conditions of employment as provided
15	in section 3(a); and
16	(2) the Secretary shall carry on a continuing
17	program of research, education, and technical assist-
18	ance, including—
19	(A)(i) conducting pilot programs that im-
20	plement fairer work schedules, including by pro-
21	moting cross training, providing 3 weeks or
22	more advance notice of schedules, providing em-
23	ployees with a minimum number of hours of
24	work, and using electronic workforce manage-
25	ment systems to provide more flexible, predict-
26	able, and stable schedules for employees; and

1	(ii) evaluating the results of such pilot pro-
2	grams for employees, employee's families, and
3	employers;
4	(B) publishing and otherwise making avail-
5	able to employers, labor organizations, profes-
6	sional associations, educational institutions, the
7	various communication media, and the general
8	public the findings of studies regarding fair
9	work scheduling policies and other materials for
10	promoting compliance with this Act;
11	(C) sponsoring and assisting State and
12	community informational and educational pro-
13	grams; and
14	(D) providing technical assistance to em-
15	ployers, labor organizations, professional asso-
16	ciations, and other interested persons on means
17	of achieving and maintaining compliance with
18	the provisions of this Act.
19	(c) Current Population Survey.—The Secretary
20	acting through the Commissioner of the Bureau of Labor
21	Statistics, and the Director of the Bureau of the Census
22	shall—
23	(1) include in the Current Population Survey
24	questions on—

1	(A) the magnitude of fluctuation in the
2	number of hours the employee is scheduled to
3	work on a daily, weekly, or monthly basis;
4	(B) the extent of advance notice an em-
5	ployee receives of the employee's work schedule
6	(C) the extent to which an employee has
7	input in the employee's work schedule; and
8	(D) the number of hours that an employee
9	would prefer to work, relative to the number of
10	hours the employee is currently working; and
11	(2) at regular intervals, update and conduct the
12	Contingent Worker Supplement, the Work Schedules
13	and Work at Home Supplement, and other relevant
14	supplements (as determined by the Secretary), to
15	the Current Population Survey and the American
16	Time Use Survey.
17	SEC. 11. RIGHTS RETAINED BY EMPLOYEES.
18	This Act provides minimum requirements and shall
19	not be construed to preempt, limit, or otherwise affect the
20	applicability of any other law, requirement, policy, or
21	standard that provides for greater rights for employees
22	than are required in this Act.
23	SEC. 12. EXEMPTION.
24	This Act shall not apply to any employee covered by
25	a valid collective bargaining agreement if—

- 1 (1) the terms of the collective bargaining agree-2 ment include terms that govern work scheduling 3 practices; and
- 4 (2) the provisions of this Act are expressly 5 waived in such collective bargaining agreement.

6 SEC. 13. EFFECT ON OTHER LAW.

- 7 (a) In General.—Nothing in this Act shall be con-
- 8 strued as superseding, or creating or imposing any re-
- 9 quirement in conflict with, any Federal, State, or local
- 10 regulation or other law (including the Americans with Dis-
- 11 abilities Act of 1990 (42 U.S.C. 12101 et seq.), the Fam-
- 12 ily and Medical Leave Act of 1993 (29 U.S.C. 2601 et
- 13 seq.), the National Labor Relations Act (29 U.S.C. 151
- 14 et seq.), the Fair Labor Standards Act of 1938 (29 U.S.C.
- 15 201 et seq.), and title VII of the Civil Rights Act of 1964
- 16 (42 U.S.C. 2000e et seq.)).
- 17 (b) Relationship to Collective Bargaining
- 18 Rights.—Nothing in this Act (including section 12) shall
- 19 be construed to diminish or impair the rights of an em-
- 20 ployee under any valid collective bargaining agreement.

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