

115TH CONGRESS  
1ST SESSION

# H. R. 3038

To provide employees with 2 hours of paid leave in order to vote in Federal elections.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2017

Mr. CARTWRIGHT (for himself, Mr. BLUMENAUER, Ms. CLARKE of New York, Mr. CONNOLLY, Ms. DEGETTE, Mr. EVANS, Mr. JOHNSON of Georgia, Mr. JEFFRIES, Ms. KELLY of Illinois, Mr. LOEBSACK, Mr. MCGOVERN, Mr. MCNERNEY, Ms. MOORE, Mr. NADLER, Ms. NORTON, Mr. POCAN, Mr. POLIS, Mr. RASKIN, Mr. VARGAS, and Ms. WASSERMAN SCHULTZ) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To provide employees with 2 hours of paid leave in order to vote in Federal elections.

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 “Time Off to Vote Act”.

1 **SEC. 2. REQUIREMENT FOR 2 HOURS PAID LEAVE TO VOTE**  
2 **IN FEDERAL ELECTIONS.**

3 (a) ENTITLEMENT TO LEAVE.—An employee shall be  
4 entitled to 2 hours of paid leave on the day of any Federal  
5 election in order to vote.

6 (b) EMPLOYER RIGHT TO DETERMINE 2-HOUR PE-  
7 RIOD.—For each employee taking leave under subsection  
8 (a), the employer of such employee may designate the 2-  
9 hour period during which the employee may take leave.  
10 Any lunch break or other break period may not be in-  
11 cluded in the 2-hour period designated for leave.

12 (c) NO LOSS OF BENEFITS.—The taking of leave  
13 under this section shall not result in the loss of any em-  
14 ployment benefit accrued prior to the date on which the  
15 leave was taken.

16 (d) PROHIBITED ACTS.—

17 (1) INTERFERENCE WITH RIGHTS UNDER THIS  
18 ACT.—It shall be unlawful for any employer to inter-  
19 fere with, restrain, or deny the exercise of or the at-  
20 tempt to exercise, the right to take leave under this  
21 Act, or to discriminate against an employee in any  
22 manner for taking leave under this Act.

23 (2) RETALIATION.—It shall be unlawful for any  
24 employer to discharge or in any other manner dis-  
25 criminate against any individual for—

1 (A) opposing any practice made unlawful  
2 by this section;

3 (B) filing any charge, or instituting or  
4 causing to be instituted any proceeding, under  
5 or related to this section;

6 (C) giving or preparing to give any infor-  
7 mation in connection with any inquiry or pro-  
8 ceeding relating to any leave provided under  
9 this section; or

10 (D) testifying or preparing to testify in  
11 any inquiry or proceeding relating to any leave  
12 provided under this section.

13 (e) INVESTIGATIVE AUTHORITY.—The Secretary of  
14 Labor shall have investigative authority with respect to the  
15 provisions of this subsection in the same manner and  
16 under the same terms and conditions as the investigative  
17 authority provided under section 106 of the Family and  
18 Medical Leave Act of 1993 (29 U.S.C. 2616), and the re-  
19 quirements of section 106 of such Act shall apply to em-  
20 ployers under this subsection in the same manner as such  
21 requirements apply to employers under section 106 of such  
22 Act.

23 (f) ENFORCEMENT.—

24 (1) IN GENERAL.—Any employer that violates  
25 this Act may be subject to a civil penalty not to ex-

1       ceed \$10,000 per violation. Civil penalties shall be  
2       assessed by and paid to the Secretary of Labor for  
3       deposit into the Treasury of the United States and  
4       shall accrue to the United States and may be recov-  
5       ered in a civil action in the name of the United  
6       States brought in the United States district court  
7       for the district where the violation is alleged to have  
8       occurred or where the employer has its principal of-  
9       fice.

10           (2) CONSIDERATIONS.—In assessing a civil pen-  
11       alty under this Act, the Secretary shall give due con-  
12       sideration to the appropriateness of the penalty with  
13       respect to the size of the business of the employer  
14       being charged, the gravity of the violation, the good  
15       faith of the employer, and the history of previous  
16       violations.

17       (g) DEFINITIONS.—As used in this Act—

18           (1) the term “employee” has the meaning given  
19       such term in section 3 of the Fair Labor Standards  
20       Act of 1938 (29 U.S.C. 203); and

21           (2) the term “employer” means any person en-  
22       gaged in commerce or in any industry or activity af-  
23       fecting commerce who employs 25 or more employ-  
24       ees during a calendar year, and includes any person  
25       who acts, directly or indirectly, in the interest of an

1 employer to any of the employees of such employer  
2 and any successor in interest of an employer. In the  
3 previous sentence, the terms “commerce” and “in-  
4 dustry or activity affecting commerce” have the  
5 meaning given such terms in section 101(1) of the  
6 Family and Medical Leave Act of 1993.

7 (h) EFFECTIVE DATE.—This section shall take effect  
8 beginning with the first Federal election held after the  
9 date of enactment of this Act.

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