

118TH CONGRESS
1ST SESSION

S. 1664

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 SENATE OF THE UNITED STATES

MAY 17, 2023

Mr. SANDERS (for himself, Mr. SCHUMER, Mrs. MURRAY, Mrs. GILLIBRAND, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. COONS, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FETTERMAN, Ms. HASSAN, Mr. HEINRICH, Mr. HICKENLOOPER, Ms. HIRONO, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. LUJÁN, Mr. MARKEY, Mr. MERKLEY, Mr. MENENDEZ, Mr. MURPHY, Mr. PADILLA, Mr. PETERS, Mr. REED, Ms. ROSEN, Mr. SCHATZ, Mrs. SHAHEEN, Ms. SMITH, Ms. STABENOW, Mr. VAN HOLLEN, Ms. WARREN, Mr. WELCH, Mr. WHITEHOUSE, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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 “Healthy Families Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) CHILD.—The term “child” means a biological,
4 foster, or adopted child, a stepchild, a child of
5 a domestic partner, a legal ward, or a child of a person
6 standing in loco parentis.

7 (2) COMMERCE.—The terms “commerce” and
8 “industry or activity affecting commerce” mean any
9 activity, business, or industry in commerce or in
10 which a labor dispute would hinder or obstruct commerce
11 or the free flow of commerce, and include
12 “commerce” and any “industry affecting commerce”,
13 as defined in paragraphs (1) and (3) of section 501
14 of the Labor Management Relations Act, 1947 (29 U.S.C.
15 142 (1) and (3)).

16 (3) DOMESTIC PARTNER.—

17 (A) IN GENERAL.—The term “domestic partner”,
18 with respect to an individual, means another individual
19 with whom the individual is in a committed relationship.
20

21 (B) COMMITTED RELATIONSHIP DEFINED.—The term
22 “committed relationship” means a relationship between 2
23 individuals, each at least 18 years of age, in which each
24 individual is the other individual’s sole domestic
25 partner and both individuals share responsi-
26

1 bility for a significant measure of each other’s
2 common welfare. The term includes any such
3 relationship between 2 individuals, including in-
4 dividuals of the same sex, that is granted legal
5 recognition by a State or political subdivision of
6 a State as a marriage or analogous relationship,
7 including a civil union or domestic partnership.

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

18 (5) EMPLOYEE.—The term “employee” means
19 an individual who is—

20 (A)(i) an employee, as defined in section
21 3(e) of the Fair Labor Standards Act of 1938
22 (29 U.S.C. 203(e)), who is not covered under
23 any other provision of this paragraph, including
24 such an employee of the Library of Congress,
25 except that a reference in such section to an

1 employer shall be considered to be a reference
2 to an employer described in paragraph
3 (6)(A)(i)(I);

4 (ii) an employee of the Government Ac-
5 countability Office; or

6 (iii) an employee of a covered employer de-
7 scribed in paragraph (6)(B)(i)(V) who performs
8 work that has been traditionally performed by
9 employees in a railroad industry craft or class
10 recognized under the Ninth paragraph of sec-
11 tion 2 of the Railway Labor Act (45 U.S.C.
12 152), including any employee who performs—

13 (I) work with respect to the movement
14 of trains;

15 (II) maintenance of way work;

16 (III) signal work;

17 (IV) work for purposes of the inspec-
18 tion, maintenance, repair, or cleaning of lo-
19 comotives, rail maintenance facilities, rail-
20 related equipment, or rail cars;

21 (V) dispatching work;

22 (VI) work with respect to the move-
23 ment of equipment within a rail yard; or

24 (VII) rail clerical or communications
25 work;

1 (B) a State employee described in section
2 304(a) of the Government Employee Rights Act
3 of 1991 (42 U.S.C. 2000e-16c(a));

4 (C) a covered employee, as defined in sec-
5 tion 101 of the Congressional Accountability
6 Act of 1995 (2 U.S.C. 1301), other than an ap-
7 plicant for employment;

8 (D) a covered employee, as defined in sec-
9 tion 411(c) of title 3, United States Code; or

10 (E) a Federal officer or employee covered
11 under subchapter V of chapter 63 of title 5,
12 United States Code (without regard to the limi-
13 tation in section 6381(1)(B) of that title).

14 (6) EMPLOYER.—

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

17 (i)(I) a covered employer who is not
18 described in any other subclause of this
19 clause;

20 (II) an entity employing a State em-
21 ployee described in section 304(a) of the
22 Government Employee Rights Act of 1991;

23 (III) an employing office, as defined
24 in section 101 of the Congressional Ac-
25 countability Act of 1995;

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

4 (V) an employing agency covered
5 under subchapter V of chapter 63 of title
6 5, United States Code; and

7 (ii) engaged in commerce (including
8 government), or an industry or activity af-
9 fecting commerce (including government).

10 (B) COVERED EMPLOYER.—

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

13 (I) means any person engaged in
14 commerce or in any industry or activ-
15 ity affecting commerce who employs
16 15 or more employees for each work-
17 ing day during each of 20 or more
18 calendar workweeks in the current or
19 preceding year;

20 (II) means a smaller employer, to
21 which the special rule in paragraph
22 (3) of section 3(a) applies;

23 (III) means the Government Ac-
24 countability Office and the Library of
25 Congress;

1 (IV) includes—

2 (aa) any person who acts,
3 directly or indirectly, in the inter-
4 est of an employer covered by
5 this clause to any of the employ-
6 ees of such employer; and

7 (bb) any successor in inter-
8 est of such an employer; and

9 (V) includes any rail carrier.

10 (ii) PUBLIC AGENCY.—For purposes
11 of clause (i), a public agency, as defined in
12 section 3(x) of the Fair Labor Standards
13 Act of 1938 (29 U.S.C. 203(x)), shall be
14 considered to be a person engaged in com-
15 merce or in an industry or activity affect-
16 ing commerce.

17 (iii) DEFINITIONS.—For purposes of
18 this subparagraph:

19 (I) EMPLOYEE.—The term “em-
20 ployee” has the meaning given such
21 term in section 3(e) of the Fair Labor
22 Standards Act of 1938 (29 U.S.C.
23 203(e)).

24 (II) PERSON.—The term “per-
25 son” has the meaning given such term

1 in section 3(a) of the Fair Labor
2 Standards Act of 1938 (29 U.S.C.
3 203(a)).

4 (III) SMALLER EMPLOYER.—The
5 term “smaller employer” means any
6 person engaged in commerce or in any
7 industry or activity affecting com-
8 merce who employs fewer than 15 em-
9 ployees for each working day during
10 each of 20 or more calendar work-
11 weeks in the preceding year.

12 (C) PREDECESSORS.—Any reference in
13 this paragraph to an employer, including such
14 a smaller employer, shall include a reference to
15 any predecessor of such employer.

16 (7) EMPLOYMENT BENEFITS.—The term “em-
17 ployment benefits” means all benefits provided or
18 made available to employees by an employer, includ-
19 ing group life insurance, health insurance, disability
20 insurance, sick leave, annual leave, educational bene-
21 fits, and pensions, regardless of whether such bene-
22 fits are provided by a practice or written policy of
23 an employer or through an “employee benefit plan”,
24 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 (8) 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 (9) PAID SICK TIME.—The term “paid sick
16 time” means an increment of compensated leave
17 that—

18 (A) can be earned by an employee for use
19 during an absence from employment for any of
20 the reasons described in paragraphs (1)
21 through (4) of section 3(b); and

22 (B) is compensated at a rate that is not
23 less than the greater of—

24 (i) the regular rate of pay of the em-
25 ployee;

1 (ii) the rate specified in section
2 6(a)(1) of the Fair Labor Standards Act
3 of 1938 (29 U.S.C. 206(a)(1)); or

4 (iii) the rate specified in the applica-
5 ble State or local minimum wage law.

6 (10) PARENT.—The term “parent” means a bi-
7 ological, foster, or adoptive parent of an employee,
8 a stepparent of an employee, parent-in-law, parent
9 of a domestic partner, or a legal guardian or other
10 person who stood in loco parentis to an employee
11 when the employee was a child.

12 (11) RAIL CARRIER.—The term “rail carrier”
13 has the meaning given such term in section 10102
14 of title 49, United States Code.

15 (12) SECRETARY.—The term “Secretary”
16 means the Secretary of Labor.

17 (13) SEXUAL ASSAULT.—The term “sexual as-
18 sault” has the meaning given the term in section
19 40002(a) of the Violence Against Women Act of
20 1994 (34 U.S.C. 12291(a)).

21 (14) SPOUSE.—The term “spouse”, with re-
22 spect to an employee, has the meaning given such
23 term by the marriage laws of the State in which the
24 marriage was celebrated.

1 (15) STALKING.—The term “stalking” has the
2 meaning given the term in section 40002(a) of the
3 Violence Against Women Act of 1994 (34 U.S.C.
4 12291(a)).

5 (16) STATE.—The term “State” has the mean-
6 ing given the term in section 3 of the Fair Labor
7 Standards Act of 1938 (29 U.S.C. 203).

8 (17) UNPAID SICK TIME.—The term “unpaid
9 sick time” means the leave earned and used in the
10 same manner and under the same conditions and
11 procedures as paid sick time for the purposes of this
12 Act, except that no compensation shall be paid.

13 (18) VICTIM SERVICES ORGANIZATION.—The
14 term “victim services organization” means a non-
15 profit, nongovernmental organization that provides
16 assistance to victims of domestic violence, sexual as-
17 sault, or stalking or advocates for such victims, in-
18 cluding a rape crisis center, an organization carrying
19 out a domestic violence, sexual assault, or stalking
20 prevention or treatment program, an organization
21 operating a shelter or providing counseling services,
22 or a legal services organization or other organization
23 providing assistance through the legal process.

24 **SEC. 3. EARNED PAID SICK TIME.**

25 (a) EARNING OF PAID SICK TIME.—

1 (1) IN GENERAL.—An employer shall provide
2 each employee employed by the employer not less
3 than 1 hour of earned paid sick time for every 30
4 hours worked, to be used as described in this sec-
5 tion. An employer shall not be required to permit an
6 employee to earn, under this section, more than 56
7 hours of paid sick time in a year, unless the em-
8 ployer chooses to set a higher limit.

9 (2) EXEMPT EMPLOYEES.—

10 (A) IN GENERAL.—Except as provided in
11 subparagraph (B), for purposes of this section,
12 an employee who is exempt from overtime re-
13 quirements under section 13(a)(1) of the Fair
14 Labor Standards Act of 1938 (29 U.S.C.
15 213(a)(1)) shall be deemed to work 40 hours in
16 each workweek.

17 (B) SHORTER NORMAL WORKWEEK.—If
18 the normal workweek of such an employee is
19 less than 40 hours, the employee shall earn
20 paid sick time based upon that normal work-
21 week.

22 (3) SPECIAL RULE FOR SMALLER EMPLOY-
23 ERS.—A smaller employer, as defined in section
24 2(6)(B)(iii), may provide paid sick time as provided
25 under paragraph (1) but if such smaller employer

1 opts not to do so, the smaller employer shall provide
2 not fewer than 56 hours of unpaid sick time to each
3 employee per year to be used for the same purposes
4 and under the same conditions and procedures as set
5 out in this Act. The provision and earning of unpaid
6 sick time shall be treated in all respects the same as
7 the provision and earning of paid sick time under
8 this Act. References in this Act to paid sick time
9 shall, with respect to such smaller employers, be
10 deemed to be references to unpaid sick time.

11 (4) DATES FOR BEGINNING TO EARN PAID SICK
12 TIME AND USE.—Except as provided in the second
13 sentence of paragraph (8), employees shall begin to
14 earn paid sick time under this section at the com-
15 mencement of their employment. Except as provided
16 in such sentence, an employee shall be entitled to
17 use the earned paid sick time beginning on the 60th
18 calendar day following commencement of the em-
19 ployee’s employment. After that 60th calendar day,
20 the employee may use the paid sick time as the time
21 is earned. An employer may, at the discretion of the
22 employer, loan paid sick time to an employee for use
23 by such employee in advance of the employee earn-
24 ing such sick time as provided in this subsection and
25 may permit use before the 60th day of employment.

1 (5) CARRYOVER.—

2 (A) IN GENERAL.—Except as provided in
3 subparagraph (B), paid sick time earned under
4 this section shall carry over from 1 year to the
5 next.

6 (B) CONSTRUCTION.—This Act shall not
7 be construed to require an employer to permit
8 an employee to earn more than 56 hours of
9 earned paid sick time in a calendar year.

10 (6) EMPLOYERS WITH EXISTING POLICIES.—
11 Any employer with a paid leave policy who makes
12 available an amount of paid leave that is sufficient
13 to meet the requirements of this section and that
14 may be used for the same purposes and under the
15 same conditions and procedures as the purposes,
16 conditions, and procedures described in this section
17 shall not be required to permit an employee to earn
18 additional paid sick time under this section.

19 (7) CONSTRUCTION.—Nothing in this section
20 shall be construed as requiring financial or other re-
21 imbursement to an employee from an employer upon
22 the employee's termination, resignation, retirement,
23 or other separation from employment for earned
24 paid sick time that has not been used.

1 (8) REINSTATEMENT.—If an employee is sepa-
2 rated from employment with an employer and is re-
3 hired, within 12 months after that separation, by the
4 same employer, the employer shall reinstate the em-
5 ployee’s previously earned paid sick time. The em-
6 ployee shall be entitled to use the earned paid sick
7 time and earn additional paid sick time at the re-
8 commencement of employment with the employer.

9 (9) PROHIBITION.—An employer may not re-
10 quire, as a condition of providing paid sick time
11 under this Act, that the employee involved search for
12 or find a replacement employee to cover the hours
13 during which the employee is using paid sick time.

14 (b) USES.—Paid sick time earned under subsection
15 (a) may be used by an employee for any of the following:

16 (1) An absence resulting from a physical or
17 mental illness, injury, or medical condition of the
18 employee.

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

22 (3) An absence for the purpose of caring for a
23 child, a parent, a spouse, a domestic partner, or any
24 other individual related by blood or affinity whose

1 close association with the employee is the equivalent
2 of a family relationship, who—

3 (A) has any of the conditions or needs for
4 diagnosis or care described in paragraph (1) or
5 (2);

6 (B) is required to attend—

7 (i) in the case of someone who is a
8 child, a school meeting; or

9 (ii) a meeting at a place where the
10 child, parent, spouse, domestic partner, or
11 such other individual is receiving care ne-
12 cessitated by a health condition or dis-
13 ability of the child, parent, spouse, domes-
14 tic partner, or such other individual;

15 (C) is in need of care and is typically cared
16 for by an individual who is unable to provide
17 care because the individual has any of condi-
18 tions or needs for diagnosis or care described in
19 paragraph (1) or (2); or

20 (D) is otherwise in need of care.

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

23 (A) seek medical attention for the em-
24 ployee or the employee's child, parent, spouse,
25 domestic partner, or an individual related to the

1 employee as described in paragraph (3), to re-
2 cover from physical or psychological injury or
3 disability caused by domestic violence, sexual
4 assault, or stalking;

5 (B) obtain or assist a child, a parent, a
6 spouse, a domestic partner, or any other indi-
7 vidual related by blood or affinity whose close
8 association with the employee is the equivalent
9 of a family relationship in obtaining services
10 from a victim services organization;

11 (C) obtain or assist a child, a parent, a
12 spouse, a domestic partner, or any other indi-
13 vidual related by blood or affinity whose close
14 association with the employee is the equivalent
15 of a family relationship in obtaining psycho-
16 logical or other counseling;

17 (D) seek relocation; or

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

22 (c) SCHEDULING.—An employee shall make a reason-
23 able effort to schedule a period of paid sick time under
24 this Act in a manner that does not unduly disrupt the
25 operations of the employer.

1 (d) 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; and

7 (B)(i) 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; or

11 (ii) 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 graph (C), an employer may require that a
18 request for paid sick time under this sec-
19 tion for a purpose described in paragraph
20 (1), (2), or (3) of subsection (b) be sup-
21 ported by a certification issued by the
22 health care provider of the eligible em-
23 ployee or of an individual described in sub-
24 section (b)(3), as appropriate, if the period

1 of such time covers more than 3 consecu-
2 tive workdays.

3 (ii) TIMELINESS.—The employee shall
4 provide a copy of such certification to the
5 employer in a timely manner, not later
6 than 30 days after the first day of the pe-
7 riod of time. The employer shall not delay
8 the commencement of the period of time on
9 the basis that the employer has not yet re-
10 ceived the certification.

11 (B) SUFFICIENT CERTIFICATION.—A cer-
12 tification provided under subparagraph (A)
13 shall be sufficient if it states—

14 (i) the date on which the period of
15 time will be needed;

16 (ii) the probable duration of the pe-
17 riod of time; and

18 (iii)(I) for purposes of paid sick time
19 under subsection (b)(1), a statement that
20 absence from work is medically necessary;

21 (II) for purposes of such time under
22 subsection (b)(2), the dates on which test-
23 ing for a medical diagnosis or care is ex-
24 pected to be given and the duration of such
25 testing or care; and

1 (III) for purposes of such time under
2 subsection (b)(3), in the case of time to
3 care for someone who is not a child, a
4 statement that care is needed for an indi-
5 vidual described in such subsection, and an
6 estimate of the amount of time that such
7 care is needed for such individual.

8 (C) REGULATIONS.—Regulations pre-
9 scribed under section 12 shall specify the man-
10 ner in which an employee who does not have
11 health insurance shall provide a certification for
12 purposes of this paragraph.

13 (D) CONFIDENTIALITY AND NONDISCLO-
14 SURE.—

15 (i) PROTECTED HEALTH INFORMA-
16 TION.—Nothing in this Act shall be con-
17 strued to require a health care provider to
18 disclose information in violation of section
19 1177 of the Social Security Act (42 U.S.C.
20 1320d–6) or the regulations promulgated
21 pursuant to section 264(c) of the Health
22 Insurance Portability and Accountability
23 Act of 1996 (42 U.S.C. 1320d–2 note).

24 (ii) HEALTH INFORMATION
25 RECORDS.—If an employer possesses

1 health information about an employee or
2 an employee's child, parent, spouse, domes-
3 tic partner, or an individual related to the
4 employee as described in subsection (b)(3),
5 such information shall—

6 (I) be maintained on a separate
7 form and in a separate file from other
8 personnel information;

9 (II) be treated as a confidential
10 medical record; and

11 (III) not be disclosed except to
12 the affected employee or with the per-
13 mission of the affected employee.

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

16 (A) IN GENERAL.—An employer may re-
17 quire that a request for paid sick time under
18 this section for a purpose described in sub-
19 section (b)(4) be supported by a form of docu-
20 mentation described in subparagraph (B) if the
21 period of such time covers more than 3 consecu-
22 tive workdays.

23 (B) FORM OF DOCUMENTATION.—A form
24 of documentation described in this subpara-
25 graph is any one of the following:

1 (i) A police report indicating that the
2 employee, or an individual described in
3 subsection (b)(4)(A) with respect to the
4 employee, was a victim of domestic vio-
5 lence, sexual assault, or stalking.

6 (ii) A court order protecting or sepa-
7 rating the employee, or such an individual
8 with respect to the employee, from the per-
9 petrator of an act of domestic violence,
10 sexual assault, or stalking, or other evi-
11 dence from the court or prosecuting attor-
12 ney that the employee, or an individual de-
13 scribed in subsection (b)(4)(A) with re-
14 spect to the employee, has appeared in
15 court or is scheduled to appear in court in
16 a proceeding related to domestic violence,
17 sexual assault, or stalking.

18 (iii) Other documentation signed by
19 an employee or volunteer working for a vic-
20 tim services organization, an attorney, a
21 police officer, a medical professional, a so-
22 cial worker, an antiviolence counselor, or a
23 member of the clergy, affirming that the
24 employee, or an individual described in
25 subsection (b)(4)(A) with respect to the

1 employee, is a victim of domestic violence,
2 sexual assault, or stalking.

3 (C) REQUIREMENTS.—The requirements of
4 paragraph (2) shall apply to certifications
5 under this paragraph, except that—

6 (i) subparagraph (B)(iii) of such para-
7 graph shall not apply;

8 (ii) the certification shall state the
9 reason that the leave is required with the
10 facts to be disclosed limited to the min-
11 imum necessary to establish a need for the
12 employee to be absent from work, and the
13 employee shall not be required to explain
14 the details of the domestic violence, sexual
15 assault, or stalking involved; and

16 (iii) with respect to confidentiality
17 under subparagraph (D) of such para-
18 graph, any information provided to the em-
19 ployer under this paragraph shall be con-
20 fidential, except to the extent that any dis-
21 closure of such information is—

22 (I) requested or consented to in
23 writing by the employee; or

24 (II) otherwise required by appli-
25 cable Federal or State law.

1 (D) SPECIFICATION OF DOCUMENTA-
2 TION.—An employer may not specify which of
3 the forms of documentation described in clause
4 (i), (ii), or (iii) of subparagraph (B) is required
5 to be provided in order to satisfy the require-
6 ment under subparagraph (A).

7 **SEC. 4. NOTICE REQUIREMENT.**

8 (a) IN GENERAL.—Each employer shall notify each
9 employee and include in any employee handbook, informa-
10 tion—

11 (1) describing paid sick time available to em-
12 ployees under this Act;

13 (2) pertaining to the filing of an action under
14 this Act;

15 (3) on the details of the notice requirement for
16 a foreseeable period of time under section
17 3(d)(1)(B)(i); and

18 (4) that describes—

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

21 (B) how the employee can contact the Sec-
22 retary (or other appropriate authority as de-
23 scribed in section 6) if any of the rights are vio-
24 lated.

1 (b) POSTING OF NOTICE.—Each employer shall post
2 and keep posted a notice, to be prepared or approved in
3 accordance with procedures specified in regulations pre-
4 scribed under section 12, setting forth excerpts from, or
5 summaries of, the pertinent provisions of this Act includ-
6 ing the information described in paragraphs (1) through
7 (4) of subsection (a).

8 (c) LOCATION.—The notice described under sub-
9 section (b) shall be posted—

10 (1) in conspicuous places on the premises of the
11 employer, where notices to employees (including ap-
12 plicants) are customarily posted; and

13 (2) in employee handbooks.

14 (d) VIOLATION; PENALTY.—Any employer who will-
15 fully violates subsection (b) shall be subject to a civil fine
16 in an amount not to exceed \$100 for each separate of-
17 fense.

18 **SEC. 5. PROHIBITED ACTS.**

19 (a) INTERFERENCE WITH RIGHTS.—

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

24 (A) discharging or discriminating against
25 (including retaliating against) any individual,

1 including a job applicant, for exercising, or at-
2 tempting to exercise, any right provided under
3 this Act;

4 (B) using the taking of paid sick time or
5 unpaid sick time under this Act as a negative
6 factor in an employment action, such as hiring,
7 promotion, reducing hours or number of shifts,
8 or a disciplinary action; or

9 (C) counting the paid sick time or unpaid
10 sick time under a no-fault attendance policy or
11 any other absence-control policy.

12 (2) DISCRIMINATION.—It shall be unlawful for
13 any employer to discharge or in any other manner
14 discriminate against (including retaliating against)
15 any individual, including a job applicant, for oppos-
16 ing any practice made unlawful by this Act.

17 (b) INTERFERENCE WITH PROCEEDINGS OR INQUIR-
18 IES.—It shall be unlawful for any person to discharge or
19 in any other manner discriminate against (including retali-
20 ating against) any individual, including a job applicant,
21 because such individual—

22 (1) has filed an action, or has instituted or
23 caused to be instituted any proceeding, under or re-
24 lated to this Act;

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

4 (3) has testified, or is about to testify, in any
5 inquiry or proceeding relating to any right provided
6 under this Act.

7 (c) CONSTRUCTION.—Nothing in this section shall be
8 construed to state or imply that the scope of the activities
9 prohibited by section 105 of the Family and Medical Leave
10 Act of 1993 (29 U.S.C. 2615) is less than the scope of
11 the activities prohibited by this section.

12 **SEC. 6. ENFORCEMENT AUTHORITY.**

13 (a) IN GENERAL.—

14 (1) DEFINITION.—In this subsection—

15 (A) the term “employee” means an em-
16 ployee described in subparagraph (A) or (B) of
17 section 2(5); and

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

21 (2) INVESTIGATIVE AUTHORITY.—

22 (A) IN GENERAL.—To ensure compliance
23 with the provisions of this Act, or any regula-
24 tion or order issued under this Act, the Sec-
25 retary shall have, subject to subparagraph (C),

1 the investigative authority provided under sec-
2 tion 11(a) of the Fair Labor Standards Act of
3 1938 (29 U.S.C. 211(a)), with respect to em-
4 ployers, employees, and other individuals af-
5 fected by an employer.

6 (B) OBLIGATION TO KEEP AND PRESERVE
7 RECORDS.—An employer shall make, keep, and
8 preserve records pertaining to compliance with
9 this Act in accordance with section 11(c) of the
10 Fair Labor Standards Act of 1938 (29 U.S.C.
11 211(c)) and in accordance with regulations pre-
12 scribed by the Secretary.

13 (C) REQUIRED SUBMISSIONS GENERALLY
14 LIMITED TO AN ANNUAL BASIS.—The Secretary
15 shall not require, under the authority of this
16 paragraph, an employer to submit to the Sec-
17 retary any books or records more than once
18 during any 12-month period, unless the Sec-
19 retary has reasonable cause to believe there
20 may exist a violation of this Act or any regula-
21 tion or order issued pursuant to this Act, or is
22 investigating a charge pursuant to paragraph
23 (4).

24 (D) SUBPOENA AUTHORITY.—For the pur-
25 poses of any investigation provided for in this

1 paragraph, the Secretary shall have the sub-
2 poena authority provided for under section 9 of
3 the Fair Labor Standards Act of 1938 (29
4 U.S.C. 209).

5 (3) CIVIL ACTION BY EMPLOYEES OR INDIVID-
6 UALS.—

7 (A) RIGHT OF ACTION.—An action to re-
8 cover the damages or equitable relief prescribed
9 in subparagraph (B) may be maintained
10 against any employer in any Federal or State
11 court of competent jurisdiction by an employee
12 or individual or a representative for and on be-
13 half of—

- 14 (i) the employee or individual; or
15 (ii) the employee or individual and
16 others similarly situated.

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

- 21 (i) for damages equal to—
22 (I) the amount of—
23 (aa) any wages, salary, em-
24 ployment benefits, or other com-

1 pensation denied or lost by rea-
2 son of the violation; or

3 (bb) in a case in which
4 wages, salary, employment bene-
5 fits, or other compensation have
6 not been denied or lost, any ac-
7 tual monetary losses sustained as
8 a direct result of the violation up
9 to a sum equal to 56 hours of
10 wages or salary for the employee
11 or individual;

12 (II) the interest on the amount
13 described in subclause (I) calculated
14 at the prevailing rate; and

15 (III) an additional amount as liq-
16 uidated damages; and

17 (ii) for such equitable relief as may be
18 appropriate, including employment, rein-
19 statement, and promotion.

20 (C) FEES AND COSTS.—The court in an
21 action under this paragraph shall, in addition to
22 any judgment awarded to the plaintiff, allow a
23 reasonable attorney’s fee, reasonable expert wit-
24 ness fees, and other costs of the action to be
25 paid by the defendant.

1 (4) ACTION BY THE SECRETARY.—

2 (A) ADMINISTRATIVE ACTION.—The Sec-
3 retary shall receive, investigate, and attempt to
4 resolve complaints of violations of section 5 (in-
5 cluding a violation relating to rights provided
6 under section 3) in the same manner that the
7 Secretary receives, investigates, and attempts to
8 resolve complaints of violations of sections 6
9 and 7 of the Fair Labor Standards Act of 1938
10 (29 U.S.C. 206 and 207).

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

15 (C) SUMS RECOVERED.—Any sums recov-
16 ered by the Secretary pursuant to subparagraph
17 (B) shall be held in a special deposit account
18 and shall be paid, on order of the Secretary, di-
19 rectly to each employee or individual affected.
20 Any such sums not paid to an employee or indi-
21 vidual affected because of inability to do so
22 within a period of 3 years shall be deposited
23 into the Treasury of the United States as mis-
24 cellaneous receipts.

25 (5) LIMITATION.—

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

7 (B) WILLFUL VIOLATION.—In the case of
8 an action brought for a willful violation of sec-
9 tion 5 (including a willful violation relating to
10 rights provided under section 3), such action
11 may be brought not later than 3 years after of
12 the last event constituting the alleged violation
13 for which such action is brought.

14 (C) COMMENCEMENT.—In determining
15 when an action is commenced under paragraph
16 (3), (4), or (6) for the purposes of this para-
17 graph, it shall be considered to be commenced
18 on the date when the complaint is filed.

19 (6) ACTION FOR INJUNCTION BY SECRETARY.—
20 The district courts of the United States shall have
21 jurisdiction, for cause shown, in an action brought
22 by the Secretary—

23 (A) to restrain violations of section 5 (in-
24 cluding a violation relating to rights provided
25 under section 3), including the restraint of any

1 withholding of payment of wages, salary, em-
2 ployment benefits, or other compensation, plus
3 interest, found by the court to be due to em-
4 ployees or individuals eligible under this Act; or

5 (B) to award such other equitable relief as
6 may be appropriate, including employment, re-
7 instatement, and promotion.

8 (7) SOLICITOR OF LABOR.—The Solicitor of
9 Labor may appear for and represent the Secretary
10 on any litigation brought under paragraph (4) or
11 (6).

12 (8) GOVERNMENT ACCOUNTABILITY OFFICE
13 AND LIBRARY OF CONGRESS.—Notwithstanding any
14 other provision of this subsection, in the case of the
15 Government Accountability Office and the Library of
16 Congress, the authority of the Secretary of Labor
17 under this subsection shall be exercised respectively
18 by the Comptroller General of the United States and
19 the Librarian of Congress.

20 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
21 COUNTABILITY ACT OF 1995.—The powers, remedies, and
22 procedures provided in the Congressional Accountability
23 Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as de-
24 fined in section 101 of that Act (2 U.S.C. 1301)), or any
25 person, alleging a violation of section 202(a)(1) of that

1 Act (2 U.S.C. 1312(a)(1)) shall be the powers, remedies,
2 and procedures this Act provides to that Board, or any
3 person, alleging an unlawful employment practice in viola-
4 tion of this Act against an employee described in section
5 2(5)(C).

6 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
7 3, UNITED STATES CODE.—The powers, remedies, and
8 procedures provided in chapter 5 of title 3, United States
9 Code, to the President, the Merit Systems Protection
10 Board, or any person, alleging a violation of section
11 412(a)(1) of that title, shall be the powers, remedies, and
12 procedures this Act provides to the President, that Board,
13 or any person, respectively, alleging an unlawful employ-
14 ment practice in violation of this Act against an employee
15 described in section 2(5)(D).

16 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE
17 5, UNITED STATES CODE.—The powers, remedies, and
18 procedures provided in title 5, United States Code, to an
19 employing agency, provided in chapter 12 of that title to
20 the Merit Systems Protection Board, or provided in that
21 title to any person, alleging a violation of chapter 63 of
22 that title, shall be the powers, remedies, and procedures
23 this Act provides to that agency, that Board, or any per-
24 son, respectively, alleging an unlawful employment prac-

1 tice in violation of this Act against an employee described
2 in section 2(5)(E).

3 (e) REMEDIES FOR STATE EMPLOYEES.—

4 (1) WAIVER OF SOVEREIGN IMMUNITY.—A
5 State's receipt or use of Federal financial assistance
6 for any program or activity of a State shall con-
7 stitute a waiver of sovereign immunity, under the
8 11th Amendment to the Constitution or otherwise,
9 to a suit brought by an employee of that program
10 or activity under this Act for equitable, legal, or
11 other relief authorized under this Act.

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

20 (3) APPLICABILITY.—With respect to a par-
21 ticular program or activity, paragraph (1) applies to
22 conduct occurring on or after the day, after the date
23 of enactment of this Act, on which a State first re-
24 ceives or uses Federal financial assistance for that
25 program or activity.

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

5 **SEC. 7. EDUCATION AND OUTREACH.**

6 (a) IN GENERAL.—The Secretary may conduct a
7 public awareness campaign to educate and inform the pub-
8 lic of the requirements for paid sick time required by this
9 Act.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to the Secretary such sums
12 as may be necessary to carry out such campaign.

13 **SEC. 8. COLLECTION OF DATA ON PAID SICK TIME AND**
14 **FURTHER STUDY.**

15 (a) COMPILATION OF INFORMATION.—The Commis-
16 sioner of Labor Statistics of the Department of Labor
17 shall annually compile and report to the Comptroller Gen-
18 eral of the United States information on—

19 (1) the amount of paid and unpaid sick time
20 available to employees by occupation and type of em-
21 ployment establishment; and

22 (2) an estimate of the average sick time used
23 by employees according to occupation and the type
24 of employment establishment.

25 (b) GAO STUDY.—

1 (1) IN GENERAL.—Not later than 5 years after
2 the date of enactment of this Act, the Comptroller
3 General of the United States shall conduct a study
4 to evaluate the implementation of this Act. Such
5 study shall include an estimation of employees' ac-
6 cess to paid sick time, employees' awareness of their
7 rights under this Act, and employers' experiences
8 complying with this Act. Such study shall take into
9 account access, awareness and experiences of em-
10 ployees by race, ethnicity, gender, and occupation.

11 (2) REPORT.—Upon completion of the study re-
12 quired by paragraph (1), the Comptroller General of
13 the United States shall prepare and submit a report
14 to the appropriate committees of Congress con-
15 cerning the results of the study and the information
16 compiled pursuant to subsection (a).

17 (c) REPORT ON RAIL CARRIER ENFORCEMENT.—Not
18 later than 3 years after the date of enactment of this Act,
19 the Secretary shall submit a report to Congress on any
20 action by the Secretary under section 6(a) with respect
21 to employers described in section 2(6)(B)(i)(V) providing
22 paid sick time to employees described in section
23 2(5)(A)(iii).

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

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

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

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

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

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

1 **SEC. 11. ENCOURAGEMENT OF MORE GENEROUS LEAVE**
2 **POLICIES.**

3 Nothing in this Act shall be construed to discourage
4 employers from adopting or retaining leave policies more
5 generous than policies that comply with the requirements
6 of this Act.

7 **SEC. 12. REGULATIONS.**

8 (a) IN GENERAL.—

9 (1) AUTHORITY.—Except as provided in para-
10 graph (2), not later than 180 days after the date of
11 enactment of this Act, the Secretary shall prescribe
12 such regulations as are necessary to carry out this
13 Act with respect to employees described in subpara-
14 graph (A) or (B) of section 2(5) and other individ-
15 uals affected by employers described in subclause (I)
16 or (II) of section 2(6)(A)(i).

17 (2) GOVERNMENT ACCOUNTABILITY OFFICE; LI-
18 BRARY OF CONGRESS.—The Comptroller General of
19 the United States and the Librarian of Congress
20 shall prescribe the regulations with respect to em-
21 ployees of the Government Accountability Office and
22 the Library of Congress, respectively, and other indi-
23 viduals affected by the Comptroller General of the
24 United States and the Librarian of Congress, re-
25 spectively.

1 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
2 COUNTABILITY ACT OF 1995.—

3 (1) AUTHORITY.—Not later than 90 days after
4 the Secretary prescribes regulations under sub-
5 section (a), the Board of Directors of the Office of
6 Compliance shall prescribe (in accordance with sec-
7 tion 304 of the Congressional Accountability Act of
8 1995 (2 U.S.C. 1384)) such regulations as are nec-
9 essary to carry out this Act with respect to employ-
10 ees described in section 2(5)(C) and other individ-
11 uals affected by employers described in section
12 2(6)(A)(i)(III).

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 Board may determine, for good cause shown and
18 stated together with the regulations prescribed
19 under paragraph (1), that a modification of such
20 regulations would be more effective for the imple-
21 mentation of the rights and protections involved
22 under this section.

23 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
24 3, UNITED STATES CODE.—

1 (1) AUTHORITY.—Not later than 90 days after
2 the Secretary prescribes regulations under sub-
3 section (a), the President (or the designee of the
4 President) shall prescribe such regulations as are
5 necessary to carry out this Act with respect to em-
6 ployees described in section 2(5)(D) and other indi-
7 viduals affected by employers described in section
8 2(6)(A)(i)(IV).

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

19 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE
20 5, UNITED STATES CODE.—

21 (1) AUTHORITY.—Not later than 90 days after
22 the Secretary prescribes regulations under sub-
23 section (a), the Director of the Office of Personnel
24 Management shall prescribe such regulations as are
25 necessary to carry out this Act with respect to em-

1 ployees described in section 2(5)(E) and other indi-
2 viduals affected by employers described in section
3 2(6)(A)(i)(V).

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

14 **SEC. 13. EFFECTIVE DATES.**

15 (a) EFFECTIVE DATE.—This Act shall take effect 6
16 months after the date of issuance of regulations under sec-
17 tion 12(a)(1).

18 (b) COLLECTIVE BARGAINING AGREEMENTS.—In the
19 case of a collective bargaining agreement in effect on the
20 effective date prescribed by subsection (a), this Act shall
21 take effect on the earlier of—

22 (1) the date of the termination of such agree-
23 ment;

24 (2) the date of any amendment, made on or
25 after such effective date, to such agreement; or

1 (3) the date that occurs 18 months after the
2 date of issuance of regulations under section
3 12(a)(1).

○