



2005

Legislation Proposed in the 108th Congress Relating to the Family and Medical Leave Act

Workplace Flexibility 2010, Georgetown University Law Center

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LEGISLATION PROPOSED IN THE 108TH CONGRESS
RELATING TO THE FAMILY AND MEDICAL LEAVE ACT

BILL TITLE AND SPONSOR	RELATED BILLS	BILL STATUS	KEY PROVISIONS
<p>The Family and Medical Leave Clarification Act H.R.35, Biggert +1 (Terry) S.320, Gregg +1 (Hatch)</p>		<p><i>IS</i> (2/5/03); referred to HELP Committee. <i>IH</i> (1/7/03); referred to Committees on Educ. and Workforce (Subcomm. on Workforce Protections); Gov't Reform (Subcomm. on Criminal Justice, Drug Policy and Human Resources); and House Admin.</p>	<p><i>S.320:</i></p> <ul style="list-style-type: none"> ➤ Amends FMLA to revise definition of “serious health condition” to: (1) exclude from FMLA coverage a short-term illness, injury, impairment, or condition for which treatment and recovery are very brief; and (2) include a list of examples of types of illness, injuries, etc. to be covered under FMLA. ➤ Allows employers to require that intermittent leave be taken in minimum blocks of 4 hours. ➤ Requires e’ees to (1) request that leave be designated as FMLA leave; (2) provide written application w/in 5 working days of giving notice to e’er for foreseeable leave; and (3) for unforeseeable leave, to provide, at a min., oral notification of need for leave no later than date leave commences, unless e’ee is physically or mentally incapable of doing so. ➤ Permits e’ers to require e’ees to choose between taking unpaid leave under FMLA or paid absence under e’er’s CBA or other sick leave, sick pay, disability plan, program or policy. ➤ Directs Sec’y of DOL to review all existing FMLA regs and issue revised regs to reflect changes made by this Act. <p><i>H.R.35:</i></p> <ul style="list-style-type: none"> ➤ Same, except that e’ers can require that intermittent leave be taken in increments of up to half a work day.

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<p>The Family and Medical Leave Expansion Act S.304, Dodd +13</p>	<p><i>Contains</i> Family and Medical Leave Fairness Act; Family Income to Respond to Significant Transitions (FIRST) Act; Federal Employees Paid Parental Leave Act; and Time for Schools Act.</p>	<p>JS 1/7/03; referred to HELP Committee.</p>	<p><i>Family and Medical Leave Fairness Act</i></p> <ul style="list-style-type: none"> ➤ Amends FMLA to extend coverage to e'ees at worksites where e'er employs 25 or more e'ees. ➤ Amends FMLA and fed civil service law to entitle leave to e'ees who must address effects of domestic violence. <p><i>FIRST Act</i></p> <ul style="list-style-type: none"> ➤ Directs Sec'y of DOL to make 5-yr grants to state or local govt to pay for federal share of cost of carrying out projects that assist families by providing wage replacement for eligible individuals responding to caregiving needs from birth/adoption of son/daughter or other family caregiving needs. <p><i>Fed Employees Paid Parental Leave Act</i></p> <ul style="list-style-type: none"> ➤ Permits OPM to contract with agencies to conduct demonstration project that provides paid leave for eligible individuals who are responding to caregiving needs bc of birth/adoption of son/daughter or other family caregiving needs. Requires leave to last at least 6 wks during 12-month period. <p><i>Time for Schools Act</i></p> <ul style="list-style-type: none"> ➤ Amends FMLA to allow e'ees covered by that Act to take up to 24 hours during any 12-month period of school involvement leave to participate in: (1) an academic activity of their child's school, such as parent-teacher conf or intvw for a school; or (2) literacy training under a family literacy training program. Amends fed civil service law to provide the same school involvement leave for fed e'ees.

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The Family and Medical Leave Enhancement Act H.R.956, Maloney +26	<i>Contained in</i> Right Start Act; Leave No Child Behind Act; and Balancing Act.	<i>IH</i> (2/27/03); referred to Committees on Educ. and Workforce (Workforce Protections Subcomm.); Gov't Reform (Civil Service and Agency Organiz. Subcomm.); and House Admin.	<ul style="list-style-type: none"> ➤ Expands FMLA to cover e'ees of e'ers of 25 or more e'ees. ➤ Amends FMLA to allow e'ees to take up to 4 hours during any 30-day period and up to 24 hours in any 12-month period of parental involvement leave to participate in or attend children's or grandchildren's educ'l and extracurricular activities. ➤ Amends fed civil service law to give same parental involvement leave allowance to fed e'ees. ➤ Provides that FMLA leave may be taken for (1) routine family medical needs, including transportation of children or grandchildren for med/dental apptmts. for checkups and evals, and (2) routine medical needs of elderly relatives, including visits to nursing homes and group homes.
The Family and Medical Leave Inclusion Act H.R.1430, Maloney +90		<i>IH</i> (3/25/03); referred to Committees on Educ. And Workforce (Workforce Protections Subcomm.); Gov't Reform (Civil Svc. And Agency Organiz. Subcomm.); and House Admin.	<ul style="list-style-type: none"> ➤ Amends FMLA to provide for e'ee leave to care for domestic partner, parent-in-law, adult child, sibling or grandparent if such person has a serious health condition. ➤ Amends federal civil service law to provide same leave allowance for federal e'ees.
Living Organ Donor Job Security Act of 2003 H.R.1381, Hinojosa +89		<i>IH</i> (3/20/03); referred to Committees on Educ. And Workforce (Subcomm. on Workforce Protections); Gov't Reform (Subcomm. on Civil Svc. and Agency Organiz.); and House Admin.	<ul style="list-style-type: none"> ➤ Amends FMLA to allow leave for living organ donation. Employee may take time for tests, donor evaluations, pre-op and post-op services, travel and recuperation related to donation.
Federal Employees Paid Parental Leave Act of 2003 H.R.1934, Maloney +28	<i>Contained in</i> Family and Medical Leave Expansion Act; Right Start Act; and Leave No Child Behind Act.	<i>IH</i> (5/1/03); referred to Gov't Reform Committee (Subcomm. on Civil Service and Agency Organiz.).	<ul style="list-style-type: none"> ➤ Amends federal civil service law to provide that up to ½ (as the employee designates) of the 12 weeks of family leave available to federal e'ees based on birth/adoption/foster placement of child shall be leave with pay. This is in addition to any annual or sick leave that e'ee may otherwise choose to use as part of same 12-week period.

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<p>Right Start Act of 2003 H.R.2363, DeLauro +32 S.18, Daschle +21</p>	<p><i>Contains</i> Family and Medical Leave Expansion Act; Family and Medical Leave Fairness Act; FIRST Act; Federal Employees Paid Parental Leave Act; and Time for Schools Act.</p>	<p><i>IH</i> (6/5/03); referred to Committees on Educ. And Workforce (Subcomms. on Employer-Employee Relations, Workforce Protections, 21st Century Competitiveness and Educ. Reform); Energy and Commerce (Subcomm. on Health); Ways and Means; Gov't Reform (Subcomm. on Civil Service and Agency Organiz.); and Agriculture (Subcomm. on Dep't Operations, Oversight, Nutrition and Forestry). <i>IS</i> (1/7/03); referred to the HELP Committee.</p>	<p><i>Family and Medical Leave Expansion Act</i></p> <ul style="list-style-type: none"> ➤ Amends FMLA and fed civil service law to guarantee leave to e'ees who must address effects of domestic violence. <p><i>Family and Medical Leave Fairness Act</i></p> <ul style="list-style-type: none"> ➤ Amends FMLA to extend coverage to e'ees at worksites where e'er employs 25 or more e'ees. ➤ Amends FMLA and fed civil service law to entitle leave to e'ees who must address effects of domestic violence. <p><i>FIRST Act</i></p> <ul style="list-style-type: none"> ➤ Directs Sec'y of DOL to make 5-yr grants to state or local govt to pay for federal share (50% first year, graduated down to 20% by 4th year) of cost of carrying out projects that assist families by providing wage replacement for eligible individuals responding to caregiving needs from birth/adoption of son/daughter or other family caregiving needs. <p><i>Fed Employees Paid Parental Leave Act</i></p> <ul style="list-style-type: none"> ➤ Permits OPM to contract with agencies to conduct demonstration project that provides paid leave for eligible individuals who are responding to caregiving needs bc of birth/adoption of son/daughter or other family caregiving needs. Requires leave to last at least 6 wks during 12-month period. <p><i>Time for Schools Act</i></p> <ul style="list-style-type: none"> ➤ Amends FMLA to allow e'ees covered by that Act to take up to 24 hours during any 12-month period of school involvement leave to participate in: (1) an academic activity of their child's school, such as parent-teacher conf or intvw for a school; or (2) literacy training under a family literacy training program. Amends fed civil service law to provide the same school involvement leave for fed e'ees.

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<p>Military Families Leave Act of 2003 S.683, Feingold +5 (Murray, Dayton, Corzine, Durbin, Lautenberg)</p>	<p><i>Attached to</i> Emerg. Suppl. Approps for Iraq & Afghan. for FY 04; <i>Attached to</i> Defense Auth. FY 05; <i>See also</i> Warner/Gregg am. to Feingold's amendment on Defense Auth.: SA 3475 to SA 3400 (both withdrawn).</p>	<p><i>IS</i> (3/21/03); Referred to HELP Committee. Passed by UC (10/17/03) as am. to Emergency Suppl. Approps for Iraq and Afghan. for FY 04 but stripped in conf.; <i>IS</i> (6/22/04) & <i>withdrawn</i> (6/23/04) as am. to Defense Auth. for FY 05 (bc of 2nd-degree am. by Warner & Gregg replacing leave entitlement with voluntary flextime programs, bc prolonged debate would have delayed bill passage).</p>	<p>➤ Allows FMLA-eligible family members (spouses, parents, sons or daughters) of deployed personnel (on active duty or notified of impending call to active duty in support of contingency operation) to use FMLA leave for issues directly related to or resulting from deployment of family member.</p>

BILL TITLE AND SPONSOR	RELATED BILLS	BILL STATUS	KEY PROVISIONS
<p>The Balancing Act of 2004 H.R.3780, Woolsey +43</p>	<p><i>Contains Family and Medical Leave Enhancement Act and FIRST Act.</i></p>	<p><i>IH (2/4/04); referred to Committees on Educ. And Workforce (Subcomms. on Employer-Employee Relations, Workforce Protections, 21st Century Competitiveness and Educ. Reform); Gov't Reform; Financial Services (Subcomm. on Housing and Community Opp.); and House Admin.</i></p>	<p><i>Family and Medical Leave Enhancement Act:</i></p> <ul style="list-style-type: none"> ➤ Expands FMLA to cover e'ees of e'ers of 25 or more e'ees. ➤ Amends FMLA to allow e'ees to take up to 4 hours during any 30-day period and up to 24 hours in any 12-month period of parental involvement leave to participate in or attend children's or grandchildren's educ'l and extracurricular activities. ➤ Amends fed civil service law to give same parental involvement leave allowance to fed e'ees. ➤ Clarifies that FMLA leave may be taken for (1) routine family medical needs, including transportation of children or grandchildren for med/dental apptmts. for checkups and evals, and (2) routine medical needs of elderly relatives, including visits to nursing homes and group homes. <p><i>FIRST Act</i></p> <ul style="list-style-type: none"> ➤ Provides for grants by DOL to pay federal share (50% first year, graduated down to 20% by 4th year) of partial or full wage replacement for parents taking leave under FMLA who are responding to new parenting needs or other caregiving needs.

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<p>Security and Financial Empowerment (SAFE) Act H.R. 3420, Roybal-Allard +72 S.1801, Murray +6 (Identical bills)</p>	<p><i>Contains Victims' Employment Sustainability Act and Victims of Abuse Insurance Protection Act.</i></p>	<p><i>IH (10/30/03); referred to Committee on Education and the Workforce (Subcomms. on Employee-Employer Relations and Workforce Protections); Ways and Means; and Financial Services.</i></p>	<ul style="list-style-type: none"> ➤ Provides that an employee who is a victim of domestic or sexual violence is entitled to take leave from work to address such violence (to treat/recover from injuries, seek safety planning or legal assistance, etc.) ➤ Employee may take up to 30 days of leave within a 12-month period and may take it intermittently. ➤ Employee must give reasonable notice unless not practicable and employer may require certification. ➤ Employee must be returned to same or equivalent position upon return from leave, and accrued benefits should not be lost. Employer may refuse restoration to highly compensated employees. ➤ Employer must maintain employee's health coverage, though e'ee can be forced to reimburse e'er if s/he chooses not to return for reasons not covered. ➤ E'er shall not interfere with rights under this section or retaliate. E'ees have private right of action and right to actual and liquidated damages, as well as equitable relief. ➤ Sec'y of Labor shall investigate and pursue complaints of violation. ➤ E'ee may elect to use other leave (sick, vacation, etc.) in place of leave under this section.

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<p>Paul and Sheila Wellstone Domestic Violence Prevention Act S.Amdt. 2859, Murray +1 (Landrieu)</p>	<p><i>Introduced as amendment to H.R. 1997, Unborn Victims of Violence Act/Laci & Conner’s Law. Contains Victims’ Economic Security and Safety Act (107th Congress), which includes Victims’ Employment Sustainability Act and Victims of Abuse Insurance Protection Act. Also contains Children Who Witness Domestic Violence Act and Domestic Violence Screening, Treatment and Prevention Act of 2003.</i></p>	<p><i>IS as amdt. to H.R. 1997 (3/25/04); Point of order raised under the Budget Act (3/25/04); Motion to waive the Budget Act failed by vote of 46 to 53; Amdt. ruled out of order.</i></p>	<ul style="list-style-type: none"> ➤ Provides that an employee who is a victim of domestic or sexual violence is entitled to take leave from work to address such violence (to treat/recover from injuries, seek safety planning or legal assistance, etc.) ➤ Employee may take up to 30 days of leave within a 12-month period and may take it intermittently. ➤ Employee must give reasonable notice unless not practicable and employer may require certification. ➤ Employee must be returned to same or equivalent position upon return from leave, and accrued benefits should not be lost. Employer may refuse restoration to highly compensated employees. ➤ Employer must maintain employee’s health coverage, though e’ee can be forced to reimburse e’er if s/he chooses not to return for reasons not covered. ➤ E’er shall not interfere with rights under this section or retaliate. E’ees have private right of action and right to actual and liquidated damages, as well as equitable relief. ➤ Sec’y of Labor shall investigate and pursue complaints of violation. ➤ E’ee may elect to use other leave (sick, vacation, etc.) in place of leave under this section. ➤ Allows state to use social security funds to provide nonrecurrent short-term emergency benefits to individual for any period of emergency leave taken under this act.
<p>Family Caregiver Security Act of 2004 H.R. 4095, Millender-McDonald +6</p>		<p><i>IH (3/31/04); referred to Committees on Educ. And Workforce (Subcomm. on Workforce Protections); Gov’t Reform; Ways and Means; Energy and Commerce (Subcomm. on Health); and House Admin.</i></p>	<ul style="list-style-type: none"> ➤ Amends FMLA to: <ul style="list-style-type: none"> ○ include nurse practitioners as health care providers; ○ extend benefits to domestic or civil partners; and ○ extend from 12 to 24 workweeks the period of family or medical leave for spouses employed by the same employer.

BILL TITLE AND SPONSOR	RELATED BILLS	BILL STATUS	KEY PROVISIONS
<p>Healthy Families Act H.R.4575, DeLauro +51 S.2520, Kennedy +7</p>		<p><i>IH</i> (6/15/04); referred to Committees on Educ. And Workforce (Subcomm. on Workforce Protections); Gov't Reform; and House Admin. <i>IS</i> (6/15/04); referred to the HELP Committee.</p>	<ul style="list-style-type: none"> ➤ Mandates that an employer shall provide to every employee (as defined in FLSA, Cong'l Acc. Act, Title VII, etc.) no less than 7 days of paid sick leave per year if the e'ee works 30+ hours/week and pro rata paid sick leave if e'ee works less than 30 hrs/week or less than 1500 hrs/years. ➤ Sick leave may be used for <ul style="list-style-type: none"> ○ absence resulting from physical or mental illness, injury or medical condition; ○ absence to obtain medical diagnosis or care or preventive medical care (but e'ee must make reasonable effort to schedule in a way that doesn't unduly disrupt business operations of e'er); ○ absence for purpose of caring for "a child, a parent, a spouse, or any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship" any of conditions/needs for care described above and, if not a child, is otherwise in need of care. ➤ E'ee must provide notice of request and expected duration of leave at least 7 days in advance if foreseeable, otherwise as soon as practicable. E'er can require certification. ➤ E'er must not interfere with rights or retaliate based on assertion of rights. ➤ Provides private rights of action for most e'ees under different acts (Cong'l Acc. Act, Title VII, etc.) ➤ Mandates GAO study of who uses paid sick leave, for what purposes and with what costs and benefits to e'ees and e'ers. ➤ Encourages more generous sick leave policies and does not supersede any existing leave rights. ➤ Provides for implementing regs under relevant laws.

BILL TITLE AND SPONSOR	RELATED BILLS	BILL STATUS	KEY PROVISIONS
The Family Fairness Act of 2003 H.R.4720, Baldwin +8		<i>IH</i> (6/25/04); referred to Committees on Educ. And Workforce (Workforce Protections Subcomm.); Gov't Reform (Civil Svc. And Agency Organiz. Subcomm.); and House Admin.	<ul style="list-style-type: none"> ➤ Amends FMLA to eliminate hours of service req't, so that e'ee is eligible if s/he has been employed with a covered e'er for 12 months or more.
Guard and Reserve Enhanced Benefits Act of 2004 S.2068, Murray +3		<i>IS</i> (2/12/04); referred to Committee on Finance.	<ul style="list-style-type: none"> ➤ Amends FMLA to allow leave for employee whose spouse, son, daughter, or parent is a member of the armed forces reserve components and is on active duty. ➤ Employee shall give notice of need for leave as practicable and e'er may require certification. ➤ Leave may be taken intermittently.

BILL TITLE AND SPONSOR	RELATED BILLS	BILL STATUS	KEY PROVISIONS
<p>Leave No Child Behind Act of 2003 H.R.936, S.448, Dodd +14</p>	<p><i>Contains</i> Family and Medical Leave Expansion Act; Family and Medical Leave Fairness Act; FIRST Act; Federal Employees Paid Parental Leave Act; and Time for Schools Act.</p>	<p><i>IS</i> (2/26/03); referred to Committee on Finance.</p>	<p><i>Family and Medical Leave Expansion Act</i></p> <ul style="list-style-type: none"> ➤ Amends FMLA and fed civil service law to guarantee leave to e'ees who must address effects of domestic violence. <p><i>Family and Medical Leave Fairness Act</i></p> <ul style="list-style-type: none"> ➤ Amends FMLA to extend coverage to e'ees at worksites where e'er employs 25 or more e'ees. ➤ Amends FMLA and fed civil service law to entitle leave to e'ees who must address effects of domestic violence. <p><i>FIRST Act</i></p> <ul style="list-style-type: none"> ➤ Directs Sec'y of DOL to make 5-yr grants to state or local govt to pay for federal share (50% first year, graduated down to 20% by 4th year) of cost of carrying out projects that assist families by providing wage replacement for eligible individuals responding to caregiving needs from birth/adoption of son/daughter or other family caregiving needs. <p><i>Fed Employees Paid Parental Leave Act</i></p> <ul style="list-style-type: none"> ➤ Permits OPM to contract with agencies to conduct demonstration project that provides paid leave for eligible individuals who are responding to caregiving needs bc of birth/adoption of son/daughter or other family caregiving needs. Requires leave to last at least 6 wks during 12-month period. <p><i>Time for Schools Act</i></p> <ul style="list-style-type: none"> ➤ Amends FMLA to allow e'ees covered by that Act to take up to 24 hours during any 12-month period of school involvement leave to participate in: (1) an academic activity of their child's school, such as parent-teacher conf or intvw for a school; or (2) literacy training under a family literacy training program. Amends fed civil service law to provide the same school involvement leave for fed e'ees.

BILL TITLE AND SPONSOR	RELATED BILLS	BILL STATUS	KEY PROVISIONS
<p>Voter Outreach and Turnout Expansion (VOTE) Act of 2003 H.R.1510, Hastings +26</p>		<p><i>IH 3/31/03</i>; referred to Committees on Educ. And Workforce (Workforce Protections Subcomm.); Gov't Reform (Civil Svc. And Agency Organiz. Subcomm.); and House Admin.</p>	<ul style="list-style-type: none"> ➤ Amends Help America Vote Act of 2002 to require states to entitles each e'ee to take up to 2 hours (in some cases 3 hours) of leave in order to vote on any workday on which an election for federal office is held. ➤ Leave may be paid or unpaid. ➤ Employee must make reasonable effort to schedule leave so as not to disrupt unduly the operations of e'er; shall provide such notice prior to taking leave as is practicable; and shall make a reasonable effort to vote. ➤ Taking of leave under this section shall not result in loss of benefits accrued prior to date of leave. ➤ Employer must not interfere with/deny/retaliate for any taking of leave under this section. ➤ Sec'y of Labor shall have investigative authority w/ respect to these provisions in same manner and under same terms as under authority of Sec. 106 of FMLA and req'ts of Sec 106 apply to e'ers under these provisions in the same manner. ➤ Enforcement provisions of Sec 107 of FMLA apply in same manner. ➤ 'Employer' includes anyone employing 25+ e'ees during calendar year (w/ no restriction on location or hours of employees).
<p>Smallpox Vaccine Compensation and Safety Act of 2003 H.R.865, Waxman +5 (Brown, Capps, Harman, Markey, Wexler)</p>		<p><i>IH (2/13/03)</i>; referred to Committee on Energy and Commerce and Committee on Education and the Workforce.</p>	<ul style="list-style-type: none"> ➤ Entitles an e'ee (as defined in FLSA) to a total of no more than 4 workdays of paid leave because of a health condition that makes e'ee unable to perform functions of his/her position bc e'ee received a covered countermeasure (ie, immuniz.) against smallpox or come into close contact w/ someone who received countermeasure. ➤ Leave shall be in accordance with FMLA except that : <ul style="list-style-type: none"> ○ Such leave shall be provided regardless of whether condition requies inpatient care or continuing treatment; and ○ Such leave shall be fully paid.

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Josephine Butler United States Health Service Act H.R.3000, Barbara Lee +14		<i>IH</i> (9/4/03); referred to Committees on Educ. And Workforce (Employer/ Employee and Workforce Protections Subcomms.); Energy and Commerce (Health Subcomm.); and Ways and Means.	<ul style="list-style-type: none"> ➤ Amends Fair Labor Standards Act to establish a right to paid leave for health care services. Entitles every employee to one hour of regular pay per workweek of 35 hours or more that s/he works for an hour during the period of 52 weeks beginning with the week in which the entitlement is earned and during which the e'ee is unable to work bc of the need for the e'ee or a dependent to receive necessary health care services.