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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R.

To allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families.

IN THE HOUSE OF REPRESENTATIVES

Ms. DELAURO introduced the following bill; which was referred to the Committee on _____

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”.

5 **SEC. 2. FINDINGS.**

6 Congress makes the following findings:

- 7 (1) Working people need time to meet their own
8 health care needs and to care for family members.

1 The absence of paid sick time has forced working
2 people to make untenable choices between needed in-
3 come and jobs on the 1 hand and caring for their
4 own and their family's health on the other. It is in
5 the national interest to ensure that all working peo-
6 ple can care for their own health and the health of
7 their families while prospering at work.

8 (2) Twenty-nine percent of the private sector
9 workforce and 9 percent of the public sector work-
10 force lack paid sick time. Millions more theoretically
11 have access to sick time, but have not been on the
12 job long enough to use it. Millions more lack sick
13 time they can use to care for a sick child or ill fam-
14 ily member.

15 (3) Working people without paid sick days are
16 more likely to go to work sick and delay or forgo
17 needed health care. A 2016 study in the journal
18 Health Affairs found that working adults without
19 paid sick days are 3 times more likely to forgo med-
20 ical care for themselves, and 1.6 times more likely
21 to forgo medical care for their family, compared to
22 working adults with paid sick days. Lack of paid
23 sick days is also a barrier to receiving annual health
24 screenings and preventive care, according to a 2017
25 study in the American Journal of Nursing.

1 (4) Nearly 1 in 4 parents without paid sick
2 time reports sending a sick child to school or child
3 care because the parent has to go to work. When
4 children go to school and child care sick, they risk
5 their own health and that of other children, teach-
6 ers, and administrators. Research suggests that
7 schools play a key role in transmitting contagious ill-
8 nesses like influenza.

9 (5) A 2012 study published in the American
10 Journal of Public Health found that a lack of work-
11 place policies like paid sick days contributed to an
12 additional 5,000,000 cases of influenza-like illness
13 during the H1N1 pandemic of 2009.

14 (6) A National Bureau of Economic Research
15 analysis examining influenza rates following the im-
16 plementation of comprehensive paid sick time laws
17 in 7 major cities in the United States found that
18 when workers gained access to paid sick time in
19 those cities, the general influenza rate in the popu-
20 lation decreased by 5.5 to 6.5 percent. This analysis
21 estimates that those laws helped prevent about 100
22 influenza-like infections per week for every 100,000
23 people.

24 (7) Paid sick days contribute to more cost-effec-
25 tive use of health care resources. A 2011 study by

1 the Institute for Women's Policy Research found
2 that a universal paid sick days policy would reduce
3 preventable visits to the emergency room and result
4 in cost savings of \$1,100,000,000 per year, includ-
5 ing \$500,000,000 in savings for public health insur-
6 ance programs like Medicare and Medicaid.

7 (8) The American Productivity Audit completed
8 in 2003 found that lost productivity due to illness
9 costs \$226,000,000,000 (\$308,000,000,000 in 2019
10 dollars) annually, and that 71 percent of that cost
11 stems from presenteeism—the practice of employees
12 coming to work while ill. Studies in the *Journal of*
13 *Occupational and Environmental Medicine* and the
14 *Journal of the American Medical Association* show
15 that presenteeism is a larger productivity drain than
16 either absenteeism or short-term disability.

17 (9) Working while sick also increases a worker's
18 probability of suffering an injury on the job. A 2012
19 study published by the *American Journal of Public*
20 *Health* found that workers with access to paid sick
21 leave were 28 percent less likely than workers with-
22 out paid sick leave to suffer nonfatal occupational
23 injuries.

1 (10) Workers' access to paid sick time varies
2 dramatically by wage level, as demonstrated by the
3 following:

4 (A) For private sector workers—

5 (i) for workers in the lowest quartile
6 of earners, 55 percent lack paid sick time;

7 (ii) for workers in the next 2 quar-
8 tiles, 27 and 17 percent, respectively, lack
9 paid sick time; and

10 (iii) even for workers in the highest
11 quartile, 10 percent lack paid sick time.

12 (B) For public sector workers—

13 (i) for workers in the lowest quartile
14 of earners, 21 percent lack paid sick time;

15 (ii) for workers in the next 2 quar-
16 tiles, 5 and 3 percent, respectively, lack
17 paid sick time; and

18 (iii) for workers in the highest quar-
19 tile, 5 percent lack paid sick time.

20 (11) Workers' access to paid sick days also var-
21 ies depending on their occupation and race. For ex-
22 ample, more than 80 percent of workers in food
23 preparation and serving occupations lack access to
24 paid sick days, compared to only 23 percent of work-
25 ers in management occupations. More than half of

1 Latino workers and nearly half of Native American
2 or Alaskan Native workers do not have access to
3 paid sick days, compared to nearly 40 percent of
4 white and black workers.

5 (12) According to the Centers for Disease Con-
6 trol and Prevention, more than 1 in 3 women and
7 more than 1 in 4 men in America report having ex-
8 perienceed rape, physical abuse, or some form of un-
9 wanted sexual contact at some point in their lives.
10 Women and men of color are even more likely to re-
11 port being impacted by intimate partner violence.
12 Too many people, and especially women, are forced
13 to risk losing their jobs or critical income when they
14 need to take time away from work to address domes-
15 tic-violence-related issues, such as obtaining a re-
16 straining order or finding housing, in order to avoid
17 or prevent physical or sexual abuse.

18 (13) Without paid sick time that can be used
19 to address the effects of domestic violence, these vic-
20 tims are in grave danger of losing their jobs. In a
21 2018 survey of domestic violence survivors, nearly 3/
22 4 (73 percent) reported that financial problems
23 forced them to remain with their abusers longer
24 than they wanted or to return to their abusers after
25 having left, and more than half (53 percent) said

1 they lost a job because of the abuse. The loss of em-
2 ployment can be particularly devastating for victims
3 of domestic violence, who often need economic secu-
4 rity to ensure safety.

5 (14) The Centers for Disease Control and Pre-
6 vention has estimated that intimate partner violence
7 costs over \$700,000,000 annually due to the victims'
8 lost productivity in employment.

9 (15) A 2018 study published in the American
10 Journal of Orthopsychiatry found that workers with-
11 out paid sick leave benefits have higher levels of psy-
12 chological distress and are 1.45 times more likely to
13 report that their distress symptoms interfere "a lot"
14 with their daily life activities.

15 (16) Efforts to assist abused employees result
16 in positive outcomes for employers as well as em-
17 ployees because employers can retain workers who
18 might otherwise be compelled to leave.

19 (17) Dozens of States, cities, and localities have
20 or will soon have paid sick time laws in place and
21 evidence shows that those laws are working well for
22 workers, businesses, and the economy.

23 (18) A 2009 study by the Center for Economic
24 and Policy Research found that, of 22 countries with
25 comparable economies, the United States was 1 of

1 only 3 countries that did not provide any paid time
2 off for workers with short-term illnesses.

3 **SEC. 3. PURPOSES.**

4 The purposes of this Act are—

5 (1) to ensure that working people can address
6 their own health needs and the health needs of their
7 families by requiring employers to permit employees
8 to earn up to 56 hours of paid sick time including
9 paid time for family care;

10 (2) to diminish public and private health care
11 costs by enabling workers to seek early and routine
12 health care for themselves and their family members;

13 (3) to assist employees who are, or whose fam-
14 ily members are, victims of domestic violence, sexual
15 assault, or stalking, by providing the employees with
16 paid time away from work to allow the victims to re-
17 ceive treatment and to take the necessary steps to
18 ensure their protection;

19 (4) to address the historical and persistent
20 widespread pattern of employment discrimination on
21 the basis of gender by both private and public sector
22 employers;

23 (5) to accomplish the purposes described in
24 paragraphs (1) through (4) in a manner that is fea-
25 sible for employers; and

1 (6) consistent with the provision of the 14th
2 Amendment to the Constitution relating to equal
3 protection of the laws, and pursuant to Congress'
4 power to enforce that provision under section 5 of
5 that Amendment—

6 (A) to accomplish the purposes described
7 in paragraphs (1) through (4) in a manner that
8 minimizes the potential for employment dis-
9 crimination on the basis of sex by ensuring gen-
10 erally that paid sick time is available for eligible
11 medical reasons on a gender-neutral basis; and

12 (B) to promote the goal of equal employ-
13 ment opportunity for women and men.

14 **SEC. 4. DEFINITIONS.**

15 In this Act:

16 (1) CHILD.—The term “child” means a biologi-
17 cal, foster, or adopted child, a stepchild, a child of
18 a domestic partner, a legal ward, or a child of a per-
19 son standing in loco parentis, who is—

20 (A) under 18 years of age; or

21 (B) 18 years of age or older and incapable
22 of self-care because of a mental or physical dis-
23 ability.

24 (2) DOMESTIC PARTNER.—

1 (A) IN GENERAL.—The term “domestic
2 partner”, with respect to an individual, means
3 another individual with whom the individual is
4 in a committed relationship.

5 (B) COMMITTED RELATIONSHIP DE-
6 FINED.—The term “committed relationship”
7 means a relationship between 2 individuals,
8 each at least 18 years of age, in which each in-
9 dividual is the other individual’s sole domestic
10 partner and both individuals share responsi-
11 bility for a significant measure of each other’s
12 common welfare. The term includes any such
13 relationship between 2 individuals, including in-
14 dividuals of the same sex, that is granted legal
15 recognition by a State or political subdivision of
16 a State as a marriage or analogous relationship,
17 including a civil union or domestic partnership.

18 (3) DOMESTIC VIOLENCE.—The term “domestic
19 violence” has the meaning given the term in section
20 40002(a) of the Violence Against Women Act of
21 1994 (34 U.S.C. 12291(a)), except that the ref-
22 erence in such section to the term “jurisdiction re-
23 ceiving grant monies” shall be deemed to mean the
24 jurisdiction in which the victim lives or the jurisdic-
25 tion in which the employer involved is located. Such

1 term also includes dating violence, as that term is
2 defined in such section.

3 (4) EMPLOYEE.—The term “employee” means
4 an individual who is—

5 (A)(i) an employee, as defined in section
6 3(e) of the Fair Labor Standards Act of 1938
7 (29 U.S.C. 203(e)), who is not covered under
8 subparagraph (E), including such an employee
9 of the Library of Congress, except that a ref-
10 erence in such section to an employer shall be
11 considered to be a reference to an employer de-
12 scribed in clauses (i)(I) and (ii) of paragraph
13 (5)(A); or

14 (ii) an employee of the Government Ac-
15 countability Office;

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; or

1 (E) a Federal officer or employee covered
2 under subchapter V of chapter 63 of title 5,
3 United States Code.

4 (5) EMPLOYER.—

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

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

10 (II) an entity employing a State em-
11 ployee described in section 304(a) of the
12 Government Employee Rights Act of 1991;

13 (III) an employing office, as defined
14 in section 101 of the Congressional Ac-
15 countability Act of 1995;

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

19 (V) an employing agency covered
20 under subchapter V of chapter 63 of title
21 5, United States Code; and

22 (ii) engaged in commerce (including
23 government), or an industry or activity af-
24 fecting commerce (including government),
25 as defined in subparagraph (B)(iii).

1 (B) COVERED EMPLOYER.—

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

4 (I) means any person engaged in
5 commerce or in any industry or activ-
6 ity affecting commerce who employs
7 15 or more employees for each work-
8 ing day during each of 20 or more
9 calendar workweeks in the current or
10 preceding year;

11 (II) means a smaller employer, as
12 defined in subparagraph (C), to which
13 the special rule in paragraph (3) of
14 section 5(a) applies;

15 (III) includes—

16 (aa) any person who acts,
17 directly or indirectly, in the inter-
18 est of an employer to any of the
19 employees of such employer; and

20 (bb) any successor in inter-
21 est of an employer;

22 (IV) includes any “public agen-
23 cy”, as defined in section 3(x) of the
24 Fair Labor Standards Act of 1938
25 (29 U.S.C. 203(x)); and

1 (V) includes the Government Ac-
2 countability Office and the Library of
3 Congress.

4 (ii) PUBLIC AGENCY.—For purposes
5 of clause (i)(IV), a public agency shall be
6 considered to be a person engaged in com-
7 merce or in an industry or activity affect-
8 ing commerce.

9 (iii) DEFINITIONS.—For purposes of
10 this subparagraph:

11 (I) COMMERCE.—The terms
12 “commerce” and “industry or activity
13 affecting commerce” mean any activ-
14 ity, business, or industry in commerce
15 or in which a labor dispute would
16 hinder or obstruct commerce or the
17 free flow of commerce, and include
18 “commerce” and any “industry affect-
19 ing commerce”, as defined in para-
20 graphs (1) and (3) of section 501 of
21 the Labor Management Relations Act,
22 1947 (29 U.S.C. 142 (1) and (3)).

23 (II) EMPLOYEE.—The term “em-
24 ployee” has the same meaning given
25 such term in section 3(e) of the Fair

1 Labor Standards Act of 1938 (29
2 U.S.C. 203(e)).

3 (III) PERSON.—The term “per-
4 son” has the same meaning given
5 such term in section 3(a) of the Fair
6 Labor Standards Act of 1938 (29
7 U.S.C. 203(a)).

8 (C) SMALLER EMPLOYER.—The term
9 “smaller employer” means any person engaged
10 in commerce or in any industry or activity af-
11 fecting commerce who employs fewer than 15
12 employees for each working day during each of
13 20 or more calendar workweeks in the pre-
14 ceding year.

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

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

1 as defined in section 3(3) of the Employee Retirement
2 Income Security Act of 1974 (29 U.S.C.
3 1002(3)).

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

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

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

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

16 (8) PAID SICK TIME.—The term “paid sick
17 time” means an increment of compensated leave that
18 can be earned by an employee for use during an ab-
19 sence from employment for any of the reasons de-
20 scribed in paragraphs (1) through (4) of section
21 5(b).

22 (9) PARENT.—The term “parent” means a bio-
23 logical, foster, or adoptive parent of an employee, a
24 stepparent of an employee, parent-in-law, parent of
25 a domestic partner, or a legal guardian or other per-

1 son who stood in loco parentis to an employee when
2 the employee was a child.

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

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

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

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

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

20 (15) UNPAID SICK TIME.—The term “unpaid
21 sick time” means the leave earned and used in the
22 same manner and under the same conditions as paid
23 sick time for the purposes of this Act, except that
24 no compensation shall be paid.

1 (16) VICTIM SERVICES ORGANIZATION.—The
2 term “victim services organization” means a non-
3 profit, nongovernmental organization that provides
4 assistance to victims of domestic violence, sexual as-
5 sault, or stalking or advocates for such victims, in-
6 cluding a rape crisis center, an organization carrying
7 out a domestic violence, sexual assault, or stalking
8 prevention or treatment program, an organization
9 operating a shelter or providing counseling services,
10 or a legal services organization or other organization
11 providing assistance through the legal process.

12 **SEC. 5. EARNED PAID SICK TIME.**

13 (a) EARNING OF PAID SICK TIME.—

14 (1) IN GENERAL.—An employer shall provide
15 each employee employed by the employer not less
16 than 1 hour of earned paid sick time for every 30
17 hours worked, to be used as described in subsection
18 (b). An employer shall not be required to permit an
19 employee to earn, under this section, more than 56
20 hours of paid sick time in a year, unless the em-
21 ployer chooses to set a higher limit.

22 (2) EXEMPT EMPLOYEES.—

23 (A) IN GENERAL.—Except as provided in
24 paragraph (4), for purposes of this section, an
25 employee who is exempt from overtime require-

1 ments under section 13(a)(1) of the Fair Labor
2 Standards Act of 1938 (29 U.S.C. 213(a)(1))
3 shall be assumed to work 40 hours in each
4 workweek.

5 (B) SHORTER NORMAL WORKWEEK.—If
6 the normal workweek of such an employee is
7 less than 40 hours, the employee shall earn
8 paid sick time based upon that normal work-
9 week.

10 (3) SPECIAL RULE FOR SMALLER EMPLOY-
11 ERS.—A smaller employer may provide paid sick
12 time as provided under paragraph (1) but if such
13 smaller employer opts not to do so, the smaller em-
14 ployer shall provide not fewer than 56 hours of un-
15 paid sick time to each employee per year to be used
16 for the same purposes and under the same condi-
17 tions as set out in this Act. The provision and earn-
18 ing of unpaid sick time shall be treated in all re-
19 spects the same as the provision and earning of paid
20 sick time under this Act. References in this Act to
21 paid sick time shall, with respect to smaller employ-
22 ers, be deemed to be references to unpaid sick time.

23 (4) DATES FOR BEGINNING TO EARN PAID SICK
24 TIME AND USE.—Employees shall begin to earn paid
25 sick time under this section at the commencement of

1 their employment. An employee shall be entitled to
2 use the earned paid sick time beginning on the 60th
3 calendar day following commencement of the em-
4 ployee's employment. After that 60th calendar day,
5 the employee may use the paid sick time as the time
6 is earned. An employer may, at the discretion of the
7 employer, loan paid sick time to an employee for use
8 by such employee in advance of the employee earn-
9 ing such sick time as provided in this subsection and
10 may permit use before the 60th day of employment.

11 (5) CARRYOVER.—

12 (A) IN GENERAL.—Except as provided in
13 subparagraph (B), paid sick time earned under
14 this section shall carry over from 1 year to the
15 next.

16 (B) CONSTRUCTION.—This Act shall not
17 be construed to require an employer to permit
18 an employee to earn more than 56 hours of
19 earned paid sick time at a given time.

20 (6) EMPLOYERS WITH EXISTING POLICIES.—

21 Any employer with a paid leave policy who makes
22 available an amount of paid leave that is sufficient
23 to meet the requirements of this section and that
24 may be used for the same purposes and under the
25 same conditions as the purposes and conditions out-

1 lined in subsection (b) shall not be required to per-
2 mit an employee to earn additional paid sick time
3 under this section.

4 (7) CONSTRUCTION.—Nothing in this section
5 shall be construed as requiring financial or other re-
6 imbursement to an employee from an employer upon
7 the employee’s termination, resignation, retirement,
8 or other separation from employment for earned
9 paid sick time that has not been used.

10 (8) REINSTATEMENT.—If an employee is sepa-
11 rated from employment with an employer and is re-
12 hired, within 12 months after that separation, by the
13 same employer, the employer shall reinstate the em-
14 ployee’s previously earned paid sick time. The em-
15 ployee shall be entitled to use the earned paid sick
16 time and earn additional paid sick time at the re-
17 commencement of employment with the employer.

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

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

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

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

7 (3) An absence for the purpose of caring for a
8 child, a parent, a spouse, a domestic partner, or any
9 other individual related by blood or affinity whose
10 close association with the employee is the equivalent
11 of a family relationship, who—

12 (A) has any of the conditions or needs for
13 diagnosis or care described in paragraph (1) or
14 (2);

15 (B) in the case of someone who is a child,
16 is required to attend a school meeting or a
17 meeting at a place where the child is receiving
18 care necessitated by the child's health condition
19 or disability; or

20 (C) 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 related person de-
6 scribed in paragraph (3) in obtaining services
7 from a victim services organization;

8 (C) obtain or assist a related person de-
9 scribed in paragraph (3) in obtaining psycho-
10 logical or other counseling;

11 (D) seek relocation; or

12 (E) take legal action, including preparing
13 for or participating in any civil or criminal legal
14 proceeding related to or resulting from domestic
15 violence, sexual assault, or stalking.

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

20 (d) PROCEDURES.—

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

24 (A) include the expected duration of the
25 period of such time;

1 (B) in a case in which the need for such
2 period of time is foreseeable at least 7 days in
3 advance of such period, be provided at least 7
4 days in advance of such period; and

5 (C) otherwise, be provided as soon as prac-
6 ticable after the employee is aware of the need
7 for such period.

8 (2) CERTIFICATION IN GENERAL.—

9 (A) PROVISION.—

10 (i) IN GENERAL.—Subject to subpara-
11 graph (C), an employer may require that a
12 request for paid sick time under this sec-
13 tion for a purpose described in paragraph
14 (1), (2), or (3) of subsection (b) be sup-
15 ported by a certification issued by the
16 health care provider of the eligible em-
17 ployee or of an individual described in sub-
18 section (b)(3), as appropriate, if the period
19 of such time covers more than 3 consecu-
20 tive workdays.

21 (ii) TIMELINESS.—The employee shall
22 provide a copy of such certification to the
23 employer in a timely manner, not later
24 than 30 days after the first day of the pe-
25 riod of time. The employer shall not delay

1 the commencement of the period of time on
2 the basis that the employer has not yet re-
3 ceived the certification.

4 (B) SUFFICIENT CERTIFICATION.—

5 (i) IN GENERAL.—A certification pro-
6 vided under subparagraph (A) shall be suf-
7 ficient if it states—

8 (I) the date on which the period
9 of time will be needed;

10 (II) the probable duration of the
11 period of time;

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

17 (IV)(aa) for purposes of paid sick
18 time under subsection (b)(1), a state-
19 ment that absence from work is medi-
20 cally necessary;

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

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

9 (ii) LIMITATION.—In issuing a certifi-
10 cation under subparagraph (A), a health
11 care provider shall make reasonable efforts
12 to limit the medical facts described in
13 clause (i)(III) that are disclosed in the cer-
14 tification to the minimum necessary to es-
15 tablish a need for the employee to utilize
16 paid sick time.

17 (C) REGULATIONS.—Regulations pre-
18 scribed under section 14 shall specify the man-
19 ner in which an employee who does not have
20 health insurance shall provide a certification for
21 purposes of this paragraph.

22 (D) CONFIDENTIALITY AND NONDISCLO-
23 SURE.—

24 (i) PROTECTED HEALTH INFORMA-
25 TION.—Nothing in this Act shall be con-

1 strued to require a health care provider to
2 disclose information in violation of section
3 1177 of the Social Security Act (42 U.S.C.
4 1320d–6) or the regulations promulgated
5 pursuant to section 264(c) of the Health
6 Insurance Portability and Accountability
7 Act of 1996 (42 U.S.C. 1320d–2 note).

8 (ii) HEALTH INFORMATION
9 RECORDS.—If an employer possesses
10 health information about an employee or
11 an employee’s child, parent, spouse, domes-
12 tic partner, or an individual related to the
13 employee as described in subsection (b)(3),
14 such information shall—

15 (I) be maintained on a separate
16 form and in a separate file from other
17 personnel information;

18 (II) be treated as a confidential
19 medical record; and

20 (III) not be disclosed except to
21 the affected employee or with the per-
22 mission of the affected employee.

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

1 (A) IN GENERAL.—An employer may re-
2 quire that a request for paid sick time under
3 this section for a purpose described in sub-
4 section (b)(4) be supported by any 1 of the fol-
5 lowing forms of documentation, but the em-
6 ployer may not specify the particular form of
7 documentation to be provided:

8 (i) A police report indicating that the
9 employee, or a member of the employee’s
10 family described in subsection (b)(4), was
11 a victim of domestic violence, sexual as-
12 sault, or stalking.

13 (ii) A court order protecting or sepa-
14 rating the employee or a member of the
15 employee’s family described in subsection
16 (b)(4) from the perpetrator of an act of
17 domestic violence, sexual assault, or stalk-
18 ing, or other evidence from the court or
19 prosecuting attorney that the employee or
20 a member of the employee’s family de-
21 scribed in subsection (b)(4) has appeared
22 in court or is scheduled to appear in court
23 in a proceeding related to domestic vio-
24 lence, sexual assault, or stalking.

1 (iii) Other documentation signed by
2 an employee or volunteer working for a vic-
3 tim services organization, an attorney, a
4 police officer, a medical professional, a so-
5 cial worker, an antiviolence counselor, or a
6 member of the clergy, affirming that the
7 employee or a member of the employee's
8 family described in subsection (b)(4) is a
9 victim of domestic violence, sexual assault,
10 or stalking.

11 (B) REQUIREMENTS.—The requirements
12 of paragraph (2) shall apply to certifications
13 under this paragraph, except that—

14 (i) subclauses (III) and (IV) of sub-
15 paragraph (B)(i) and subparagraph (B)(ii)
16 of such paragraph shall not apply;

17 (ii) the certification shall state the
18 reason that the leave is required with the
19 facts to be disclosed limited to the min-
20 imum necessary to establish a need for the
21 employee to be absent from work, and the
22 employee shall not be required to explain
23 the details of the domestic violence, sexual
24 assault, or stalking involved; and

1 (iii) with respect to confidentiality
2 under subparagraph (D) of such para-
3 graph, any information provided to the em-
4 ployer under this paragraph shall be con-
5 fidential, except to the extent that any dis-
6 closure of such information is—

7 (I) requested or consented to in
8 writing by the employee; or

9 (II) otherwise required by appli-
10 cable Federal or State law.

11 **SEC. 6. NOTICE REQUIREMENT.**

12 (a) IN GENERAL.—Each employer shall notify each
13 employee and include in any employee handbook the infor-
14 mation described in paragraphs (1) through (4). Each em-
15 ployer shall post and keep posted a notice, to be prepared
16 or approved in accordance with procedures specified in
17 regulations prescribed under section 14, setting forth ex-
18 cerpts from, or summaries of, the pertinent provisions of
19 this Act including—

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

22 (2) information pertaining to the filing of an
23 action under this Act;

1 (3) the details of the notice requirement for a
2 foreseeable period of time under section 5(d)(1)(B);
3 and

4 (4) information that describes—

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

7 (B) how the employee can contact the Sec-
8 retary (or other appropriate authority as de-
9 scribed in section 8) if any of the rights are vio-
10 lated.

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

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

16 (2) in employee handbooks.

17 (c) VIOLATION; PENALTY.—Any employer who will-
18 fully violates the posting requirements of this section shall
19 be subject to a civil fine in an amount not to exceed \$100
20 for each separate offense.

21 **SEC. 7. PROHIBITED ACTS.**

22 (a) INTERFERENCE WITH RIGHTS.—

23 (1) EXERCISE OF RIGHTS.—It shall be unlawful
24 for any employer to interfere with, restrain, or deny

1 the exercise of, or the attempt to exercise, any right
2 provided under this Act, including—

3 (A) discharging or discriminating against
4 (including retaliating against) any individual,
5 including a job applicant, for exercising, or at-
6 tempting to exercise, any right provided under
7 this Act;

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

13 (C) counting the paid sick time or unpaid
14 sick time under a no-fault attendance policy or
15 any other absence control policy.

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

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

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

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

7 (3) has testified, or is about to testify, in any
8 inquiry or proceeding relating to any right provided
9 under this Act.

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

15 **SEC. 8. ENFORCEMENT AUTHORITY.**

16 (a) IN GENERAL.—

17 (1) DEFINITION.—In this subsection—

18 (A) the term “employee” means an em-
19 ployee described in subparagraph (A) or (B) of
20 section 4(4); and

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

24 (2) INVESTIGATIVE AUTHORITY.—

1 (A) IN GENERAL.—To ensure compliance
2 with the provisions of this Act, or any regula-
3 tion or order issued under this Act, the Sec-
4 retary shall have, subject to subparagraph (C),
5 the investigative authority provided under sec-
6 tion 11(a) of the Fair Labor Standards Act of
7 1938 (29 U.S.C. 211(a)), with respect to em-
8 ployers, employees, and other individuals af-
9 fected.

10 (B) OBLIGATION TO KEEP AND PRESERVE
11 RECORDS.—An employer shall make, keep, and
12 preserve records pertaining to compliance with
13 this Act in accordance with section 11(c) of the
14 Fair Labor Standards Act of 1938 (29 U.S.C.
15 211(c)) and in accordance with regulations pre-
16 scribed by the Secretary.

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

1 investigating a charge pursuant to paragraph
2 (4).

3 (D) SUBPOENA AUTHORITY.—For the pur-
4 poses of any investigation provided for in this
5 paragraph, the Secretary shall have the sub-
6 poena authority provided for under section 9 of
7 the Fair Labor Standards Act of 1938 (29
8 U.S.C. 209).

9 (3) CIVIL ACTION BY EMPLOYEES OR INDIVID-
10 UALS.—

11 (A) RIGHT OF ACTION.—An action to re-
12 cover the damages or equitable relief prescribed
13 in subparagraph (B) may be maintained
14 against any employer in any Federal or State
15 court of competent jurisdiction by 1 or more
16 employees or individuals or their representative
17 for and on behalf of—

18 (i) the employees or individuals; or
19 (ii) the employees or individuals and
20 others similarly situated.

21 (B) LIABILITY.—Any employer who vio-
22 lates section 7 (including a violation relating to
23 rights provided under section 5) shall be liable
24 to any employee or individual affected—

25 (i) for damages equal to—

1 (I) the amount of—

2 (aa) any wages, salary, em-
3 ployment benefits, or other com-
4 pensation denied or lost by rea-
5 son of the violation; or

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

15 (II) the interest on the amount
16 described in subclause (I) calculated
17 at the prevailing rate; and

18 (III) an additional amount as liq-
19 uidated damages; and

20 (ii) for such equitable relief as may be
21 appropriate, including employment, rein-
22 statement, and promotion.

23 (C) FEES AND COSTS.—The court in an
24 action under this paragraph shall, in addition to
25 any judgment awarded to the plaintiff, allow a

1 reasonable attorney's fee, reasonable expert wit-
2 ness fees, and other costs of the action to be
3 paid by the defendant.

4 (4) ACTION BY THE SECRETARY.—

5 (A) ADMINISTRATIVE ACTION.—The Sec-
6 retary shall receive, investigate, and attempt to
7 resolve complaints of violations of section 7 (in-
8 cluding a violation relating to rights provided
9 under section 5) in the same manner that the
10 Secretary receives, investigates, and attempts to
11 resolve complaints of violations of sections 6
12 and 7 of the Fair Labor Standards Act of 1938
13 (29 U.S.C. 206 and 207).

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

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

1 into the Treasury of the United States as mis-
2 cellaneous receipts.

3 (5) LIMITATION.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), an action may be brought
6 under paragraph (3), (4), or (6) not later than
7 2 years after the date of the last event consti-
8 tuting the alleged violation for which the action
9 is brought.

10 (B) WILLFUL VIOLATION.—In the case of
11 an action brought for a willful violation of sec-
12 tion 7 (including a willful violation relating to
13 rights provided under section 5), such action
14 may be brought within 3 years of the date of
15 the last event constituting the alleged violation
16 for which such action is brought.

17 (C) COMMENCEMENT.—In determining
18 when an action is commenced under paragraph
19 (3), (4), or (6) for the purposes of this para-
20 graph, it shall be considered to be commenced
21 on the date when the complaint is filed.

22 (6) ACTION FOR INJUNCTION BY SECRETARY.—

23 The district courts of the United States shall have
24 jurisdiction, for cause shown, in an action brought
25 by the Secretary—

1 (A) to restrain violations of section 7 (in-
2 cluding a violation relating to rights provided
3 under section 5), including the restraint of any
4 withholding of payment of wages, salary, em-
5 ployment benefits, or other compensation, plus
6 interest, found by the court to be due to em-
7 ployees or individuals eligible under this Act; or

8 (B) to award such other equitable relief as
9 may be appropriate, including employment, re-
10 instatement, and promotion.

11 (7) SOLICITOR OF LABOR.—The Solicitor of
12 Labor may appear for and represent the Secretary
13 on any litigation brought under paragraph (4) or
14 (6).

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

23 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
24 COUNTABILITY ACT OF 1995.—The powers, remedies, and
25 procedures provided in the Congressional Accountability

1 Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as de-
2 fined in section 101 of that Act (2 U.S.C. 1301)), or any
3 person, alleging a violation of section 202(a)(1) of that
4 Act (2 U.S.C. 1312(a)(1)) shall be the powers, remedies,
5 and procedures this Act provides to that Board, or any
6 person, alleging an unlawful employment practice in viola-
7 tion of this Act against an employee described in section
8 4(4)(C).

9 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
10 3, UNITED STATES CODE.—The powers, remedies, and
11 procedures provided in chapter 5 of title 3, United States
12 Code, to the President, the Merit Systems Protection
13 Board, or any person, alleging a violation of section
14 412(a)(1) of that title, shall be the powers, remedies, and
15 procedures this Act provides to the President, that Board,
16 or any person, respectively, alleging an unlawful employ-
17 ment practice in violation of this Act against an employee
18 described in section 4(4)(D).

19 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE
20 5, UNITED STATES CODE.—The powers, remedies, and
21 procedures provided in title 5, United States Code, to an
22 employing agency, provided in chapter 12 of that title to
23 the Merit Systems Protection Board, or provided in that
24 title to any person, alleging a violation of chapter 63 of
25 that title, shall be the powers, remedies, and procedures

1 this Act provides to that agency, that Board, or any per-
2 son, respectively, alleging an unlawful employment prac-
3 tice in violation of this Act against an employee described
4 in section 4(4)(E).

5 (e) REMEDIES FOR STATE EMPLOYEES.—

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

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

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

1 ceives or uses Federal financial assistance for that
2 program or activity.

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

7 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS FOR EDU-**
8 **CATION AND OUTREACH.**

9 There is authorized to be appropriated to the Sec-
10 retary of Labor such sums as may be necessary in order
11 that the Secretary may conduct a public awareness cam-
12 paign to educate and inform the public of the require-
13 ments for paid sick time required by this Act.

14 **SEC. 10. COLLECTION OF DATA ON PAID SICK TIME AND**
15 **FURTHER STUDY.**

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

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

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

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

10 (c) REPORT.—Upon completion of the study required
11 by subsection (b), the Comptroller General of the United
12 States shall prepare and submit a report to the appro-
13 priate committees of Congress concerning the results of
14 the study and the information compiled pursuant to sub-
15 section (a).

16 **SEC. 11. EFFECT ON OTHER LAWS.**

17 (a) FEDERAL AND STATE ANTIDISCRIMINATION
18 LAWS.—Nothing in this Act shall be construed to modify
19 or affect any Federal or State law prohibiting discrimina-
20 tion on the basis of race, religion, color, national origin,
21 sex, age, disability, sexual orientation, gender identity,
22 marital status, familial status, or any other protected sta-
23 tus.

24 (b) STATE AND LOCAL LAWS.—Nothing in this Act
25 shall be construed to supersede (including preempting)

1 any provision of any State or local law that provides great-
2 er paid sick time or leave rights (including greater
3 amounts of paid sick time or leave, or greater coverage
4 of those eligible for paid sick time or leave) than the rights
5 established under this Act.

6 **SEC. 12. EFFECT ON EXISTING EMPLOYMENT BENEFITS.**

7 (a) MORE PROTECTIVE.—Nothing in this Act shall
8 be construed to diminish the obligation of an employer to
9 comply with any contract, collective bargaining agreement,
10 or any employment benefit program or plan that provides
11 greater paid sick leave or other leave rights to employees
12 or individuals than the rights established under this Act.

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

17 **SEC. 13. ENCOURAGEMENT OF MORE GENEROUS LEAVE**
18 **POLICIES.**

19 Nothing in this Act shall be construed to discourage
20 employers from adopting or retaining leave policies more
21 generous than policies that comply with the requirements
22 of this Act.

23 **SEC. 14. REGULATIONS.**

24 (a) IN GENERAL.—

1 (1) **AUTHORITY.**—Except as provided in para-
2 graph (2), not later than 180 days after the date of
3 enactment of this Act, the Secretary shall prescribe
4 such regulations as are necessary to carry out this
5 Act with respect to employees described in subpara-
6 graph (A) or (B) of section 4(4) and other individ-
7 uals affected by employers described in subclause (I)
8 or (II) of section 4(5)(A)(i).

9 (2) **GOVERNMENT ACCOUNTABILITY OFFICE; LI-**
10 **BRARY OF CONGRESS.**—The Comptroller General of
11 the United States and the Librarian of Congress
12 shall prescribe the regulations with respect to em-
13 ployees of the Government Accountability Office and
14 the Library of Congress, respectively, and other indi-
15 viduals affected by the Comptroller General of the
16 United States and the Librarian of Congress, re-
17 spectively.

18 (b) **EMPLOYEES COVERED BY CONGRESSIONAL AC-**
19 **COUNTABILITY ACT OF 1995.**—

20 (1) **AUTHORITY.**—Not later than 90 days after
21 the Secretary prescribes regulations under sub-
22 section (a), the Board of Directors of the Office of
23 Compliance shall prescribe (in accordance with sec-
24 tion 304 of the Congressional Accountability Act of
25 1995 (2 U.S.C. 1384)) such regulations as are nec-

1 essary to carry out this Act with respect to employ-
2 ees described in section 4(4)(C) and other individ-
3 uals affected by employers described in section
4 4(5)(A)(i)(III).

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

15 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
16 3, UNITED STATES CODE.—

17 (1) AUTHORITY.—Not later than 90 days after
18 the Secretary prescribes regulations under sub-
19 section (a), the President (or the designee of the
20 President) shall prescribe such regulations as are
21 necessary to carry out this Act with respect to em-
22 ployees described in section 4(4)(D) and other indi-
23 viduals affected by employers described in section
24 4(5)(A)(i)(IV).

1 (2) AGENCY REGULATIONS.—The regulations
2 prescribed under paragraph (1) shall be the same as
3 substantive regulations promulgated by the Sec-
4 retary to carry out this Act except insofar as the
5 President (or designee) may determine, for good
6 cause shown and stated together with the regula-
7 tions prescribed under paragraph (1), that a modi-
8 fication of such regulations would be more effective
9 for the implementation of the rights and protections
10 involved under this section.

11 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE
12 5, UNITED STATES CODE.—

13 (1) AUTHORITY.—Not later than 90 days after
14 the Secretary prescribes regulations under sub-
15 section (a), the Director of the Office of Personnel
16 Management shall prescribe such regulations as are
17 necessary to carry out this Act with respect to em-
18 ployees described in section 4(4)(E) and other indi-
19 viduals affected by employers described in section
20 4(5)(A)(i)(V).

21 (2) AGENCY REGULATIONS.—The regulations
22 prescribed under paragraph (1) shall be the same as
23 substantive regulations promulgated by the Sec-
24 retary to carry out this Act except insofar as the Di-
25 rector may determine, for good cause shown and

1 stated together with the regulations prescribed
2 under paragraph (1), that a modification of such
3 regulations would be more effective for the imple-
4 mentation of the rights and protections involved
5 under this section.

6 **SEC. 15. EFFECTIVE DATES.**

7 (a) **EFFECTIVE DATE.**—This Act shall take effect 6
8 months after the date of issuance of regulations under sec-
9 tion 14(a)(1).

10 (b) **COLLECTIVE BARGAINING AGREEMENTS.**—In the
11 case of a collective bargaining agreement in effect on the
12 effective date prescribed by subsection (a), this Act shall
13 take effect on the earlier of—

14 (1) the date of the termination of such agree-
15 ment; or

16 (2) the date that occurs 18 months after the
17 date of issuance of regulations under section
18 14(a)(1).