

**SUBSTITUTE AMENDMENT TO THE AMENDMENT IN
THE NATURE OF A SUBSTITUTE TO H.R. 1406**

OFFERED BY Mr. Courtney

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Healthy Families Act”.

3 **SEC. 2. FINDINGS.**

4 Congress makes the following findings:

5 (1) Working Americans need time to meet their
6 own health care needs and to care for family mem-
7 bers, including their children, spouse, domestic part-
8 ner, parents (including parents-in-law), and other
9 children and adults for whom they are caregivers.

10 (2) Health care needs include preventive health
11 care, diagnostic procedures, medical treatment, and
12 recovery in response to short- and long-term ill-
13 nesses and injuries.

14 (3) Providing employees time off to meet health
15 care needs ensures that they will be healthier in the
16 long run. Preventive care helps avoid illnesses and
17 injuries and routine medical care helps detect ill-
18 nesses early and shorten their duration. A 2012

1 study published by BioMed Central Public Health of
2 results of the National Health Interview Survey
3 found that lack of paid sick leave is a barrier to re-
4 ceiving cancer screenings and preventive care. Work-
5 ers with paid sick leave were more likely to have a
6 mammogram, Pap test, or endoscopy, and were
7 more likely to have visited a doctor in the previous
8 year, than workers without paid sick leave, even
9 when the results were adjusted for sociodemographic
10 factors.

11 (4) When parents are available to care for their
12 children who become sick, children recover faster,
13 more serious illnesses are prevented, and children's
14 overall mental and physical health improve. In a
15 2009 study published in the American Journal of
16 Public Health, 81 percent of parents of a child with
17 special health care needs reported that taking leave
18 from work to be with their child had a "good" or
19 "very good" effect on their child's physical health.
20 Similarly, 85 percent of parents of such a child
21 found that taking such leave had a "good" or "very
22 good" effect on their child's emotional health.

23 (5) When parents cannot afford to miss work
24 and must send children with contagious illnesses to

1 child care centers or schools, infection can spread
2 rapidly through child care centers and schools.

3 (6) Providing paid sick time improves public
4 health by reducing infectious disease. Policies that
5 make it easier for sick adults and children to be iso-
6 lated at home reduce the spread of infectious dis-
7 ease. A 2012 study published in the American Jour-
8 nal of Public Health found that a lack of workplace
9 policies like paid sick days contributed to an addi-
10 tional 5,000,000 cases of influenza-like illness dur-
11 ing the H1N1 pandemic of 2009.

12 (7) Routine medical care reduces medical costs
13 by detecting and treating illness and injury early,
14 decreasing the need for emergency care. These sav-
15 ings benefit public and private payers of health in-
16 surance, including private businesses. A 2011 study
17 by the Institute for Women's Policy Research found
18 that a universal paid sick days policy would reduce
19 preventable visits to the emergency room and result
20 in cost savings of \$1,100,000,000 per year, includ-
21 ing \$500,000,000 in savings for public health insur-
22 ance like Medicaid.

23 (8) The provision of individual and family sick
24 time by large and small businesses, both here in the
25 United States and elsewhere, demonstrates that pol-

1 iciency solutions are both feasible and affordable in a
2 competitive economy. A 2009 study by the Center
3 for Economic and Policy Research found that, of 22
4 countries with comparable economies, the United
5 States was 1 of only 3 countries that did not provide
6 any paid time off for workers with short-term ill-
7 nesses.

8 (9) Measures that ensure that employees are in
9 good health and do not need to worry about unmet
10 family health problems help businesses by promoting
11 productivity and reducing employee turnover.

12 (10) The American Productivity Audit com-
13 pleted in 2003 found that lost productivity due to ill-
14 ness costs \$226,000,000,000 annually, and that 71
15 percent of that cost stems from presenteeism, the
16 practice of employees coming to work despite illness.
17 Studies in the *Journal of Occupational and Environ-*
18 *mental Medicine*, the *Employee Benefit News*, and
19 the *Harvard Business Review* show that
20 presenteeism is a larger productivity drain than ei-
21 ther absenteeism or short-term disability.

22 (11) Working while sick also increases a work-
23 er's probability of suffering an injury on the job. A
24 2012 study published by the *American Journal of*
25 *Public Health* found that workers with access to

1 paid sick leave were 28 percent less likely than
2 workers without paid sick leave to suffer nonfatal
3 occupational injuries.

4 (12) The absence of paid sick time has forced
5 Americans to make untenable choices between need-
6 ed income and jobs on the one hand and caring for
7 their own and their family's health on the other.

8 (13) Nearly 40 percent of the private sector
9 workforce, and 25 percent of the public sector work-
10 force, lacks paid sick time. Another 4,000,000 theo-
11 retically have access to sick time, but have not been
12 on the job long enough to use it. Millions more lack
13 sick time they can use to care for a sick child or ill
14 family member.

15 (14)(A) Workers' access to paid sick time varies
16 dramatically by wage level.

17 (B) For private sector workers—

18 (i) for workers in the lowest quartile of
19 earners, 71 percent lack paid sick time;

20 (ii) for workers in the next 2 quartiles, 36
21 and 25 percent, respectively, lack paid sick
22 time; and

23 (iii) even for workers in the highest quar-
24 tile, 16 percent lack paid sick time.

25 (C) For public sector workers—

1 (i) for workers in the lowest quartile of
2 earners, 25 percent lack paid sick time;

3 (ii) for workers in the next 2 quartiles, 7
4 percent lack paid sick time; and

5 (iii) for workers in the highest quartile, 2
6 percent lack paid sick time.

7 (D) In addition, millions of workers cannot use
8 paid sick time to care for ill family members.

9 (15) Due to the roles of men and women in so-
10 ciety, the primary responsibility for family caregiving
11 often falls on women, and such responsibility affects
12 the working lives of women more than it affects the
13 working lives of men.

14 (16) An increasing number of men are also tak-
15 ing on caregiving obligations, and men who request
16 paid time for caregiving purposes are often denied
17 accommodation or penalized because of stereotypes
18 that caregiving is only “women’s work”.

19 (17) Employers’ reliance on persistent stereo-
20 types about the “proper” roles of both men and
21 women in the workplace and in the home continues
22 a cycle of discrimination and fosters stereotypical
23 views about women’s commitment to work and their
24 value as employees.

1 (18) Employment standards that apply to only
2 one gender have serious potential for encouraging
3 employers to discriminate against employees and ap-
4 plicants for employment who are of that gender.

5 (19) It is in the national interest to ensure that
6 all Americans can care for their own health and the
7 health of their families while prospering at work.

8 (20) Nearly 1 in 3 American women report
9 physical or sexual abuse by a husband or boyfriend
10 at some point in their lives. Domestic violence also
11 affects men. Women account for about 85 percent of
12 the victims of domestic violence and men account for
13 approximately 15 percent of the victims. Therefore,
14 women disproportionately need time off to care for
15 their health or to find solutions, such as obtaining
16 a restraining order or finding housing, to avoid or
17 prevent physical or sexual abuse.

18 (21) One study showed that 85 percent of do-
19 mestic violence victims at a women's shelter who
20 were employed missed work because of abuse. The
21 mean number of days of paid work lost by a rape
22 victim is 8.1 days, by a victim of physical assault is
23 7.2 days, and by a victim of stalking is 10.1 days.
24 Nationwide, domestic violence victims lose almost
25 8,000,000 days of paid work per year.

1 (22) Without paid sick days that can be used
2 to address the effects of domestic violence, these vic-
3 tims are in grave danger of losing their jobs. One
4 survey found that 96 percent of employed domestic
5 violence victims experienced problems at work re-
6 lated to the violence. The Government Accountability
7 Office similarly found that 24 to 52 percent of vic-
8 tims report losing a job due, at least in part, to do-
9 mestic violence. The loss of employment can be par-
10 ticularly devastating for victims of domestic violence,
11 who often need economic security to ensure safety.

12 (23) The Centers for Disease Control and Pre-
13 vention has estimated that domestic violence costs
14 over \$700,000,000 annually due to the victims' lost
15 productivity in employment.

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

20 **SEC. 3. PURPOSES.**

21 The purposes of this Act are—

22 (1) to ensure that all working Americans can
23 address their own health needs and the health needs
24 of their families by requiring employers to permit

1 employees to earn up to 56 hours of paid sick time
2 including paid time for family care;

3 (2) to diminish public and private health care
4 costs by enabling workers to seek early and routine
5 medical care for themselves and their family mem-
6 bers;

7 (3) to assist employees who are, or whose fam-
8 ily members are, victims of domestic violence, sexual
9 assault, or stalking, by providing the employees with
10 paid time away from work to allow the victims to re-
11 ceive treatment and to take the necessary steps to
12 ensure their protection;

13 (4) to address the historical and persistent
14 widespread pattern of employment discrimination on
15 the basis of gender by both private and public sector
16 employers;

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

20 (6) consistent with the provision of the 14th
21 Amendment to the Constitution relating to equal
22 protection of the laws, and pursuant to Congress'
23 power to enforce that provision under section 5 of
24 that Amendment—

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

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

9 **SEC. 4. DEFINITIONS.**

10 In this Act:

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

15 (A) under 18 years of age; or

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

19 (2) DOMESTIC PARTNER.—The term “domestic
20 partner” means the person recognized as being in a
21 relationship with an employee under any domestic
22 partnership, civil union, or similar law of the State
23 or political subdivision of a State in which the em-
24 ployee resides.

1 (3) DOMESTIC VIOLENCE.—The term “domestic
2 violence” has the meaning given the term in section
3 40002(a) of the Violence Against Women Act of
4 1994 (42 U.S.C. 13925(a)), except that the ref-
5 erence in such section to the term “jurisdiction re-
6 ceiving grant monies” shall be deemed to mean the
7 jurisdiction in which the victim lives or the jurisdic-
8 tion in which the employer involved is located.

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

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

20 (ii) an employee of the Government Ac-
21 countability Office;

22 (B) a State employee described in section
23 304(a) of the Government Employee Rights Act
24 of 1991 (42 U.S.C. 2000e–16c(a));

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

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

7 (E) a Federal officer or employee covered
8 under subchapter V of chapter 63 of title 5,
9 United States Code.

10 (5) EMPLOYER.—

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

13 (i)(I) a covered employer, as defined
14 in subparagraph (B), who is not covered
15 under subclause (V);

16 (II) an entity employing a State em-
17 ployee described in section 304(a) of the
18 Government Employee Rights Act of 1991;

19 (III) an employing office, as defined
20 in section 101 of the Congressional Ac-
21 countability Act of 1995;

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

1 (V) an employing agency covered
2 under subchapter V of chapter 63 of title
3 5, United States Code; and

4 (ii) is engaged in commerce (including
5 government), or an industry or activity af-
6 fecting commerce (including government),
7 as defined in subparagraph (B)(iii).

8 (B) COVERED EMPLOYER.—

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

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

18 (II) includes—

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

23 (bb) any successor in inter-
24 est of an employer;

1 (III) includes any “public agen-
2 cy”, as defined in section 3(x) of the
3 Fair Labor Standards Act of 1938
4 (29 U.S.C. 203(x)); and

5 (IV) includes the Government
6 Accountability Office and the Library
7 of Congress.

8 (ii) PUBLIC AGENCY.—For purposes
9 of clause (i)(III), a public agency shall be
10 considered to be a person engaged in com-
11 merce or in an industry or activity affect-
12 ing commerce.

13 (iii) DEFINITIONS.—For purposes of
14 this subparagraph:

15 (I) COMMERCE.—The terms
16 “commerce” and “industry or activity
17 affecting commerce” mean any activ-
18 ity, business, or industry in commerce
19 or in which a labor dispute would
20 hinder or obstruct commerce or the
21 free flow of commerce, and include
22 “commerce” and any “industry affect-
23 ing commerce”, as defined in para-
24 graphs (1) and (3) of section 501 of

1 the Labor Management Relations Act,
2 1947 (29 U.S.C. 142 (1) and (3)).

3 (II) EMPLOYEE.—The term “em-
4 ployee” has the same meaning given
5 such term in section 3(e) of the Fair
6 Labor Standards Act of 1938 (29
7 U.S.C. 203(e)).

8 (III) PERSON.—The term “per-
9 son” has the same meaning given
10 such term in section 3(a) of the Fair
11 Labor Standards Act of 1938 (29
12 U.S.C. 203(a)).

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

16 (6) 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 (7) 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 (8) PAID SICK TIME.—The term “paid sick
16 time” means an increment of compensated leave that
17 can be earned by an employee for use during an ab-
18 sence from employment for any of the reasons de-
19 scribed in paragraphs (1) through (4) of section
20 5(b).

21 (9) PARENT.—The term “parent” means a bio-
22 logical, foster, or adoptive parent of an employee, a
23 stepparent of an employee, parent-in-law, parent of
24 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 sault” has the meaning given the term in section
7 40002(a) of the Violence Against Women Act of
8 1994 (42 U.S.C. 13925(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 employee resides.

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

16 (14) STALKING.—The term “stalking” has the
17 meaning given the term in section 40002(a) of the
18 Violence Against Women Act of 1994 (42 U.S.C.
19 13925(a)).

20 (15) VICTIM SERVICES ORGANIZATION.—The
21 term “victim services organization” means a non-
22 profit, nongovernmental organization that provides
23 assistance to victims of domestic violence, sexual as-
24 sault, or stalking or advocates for such victims, in-
25 cluding a rape crisis center, an organization carrying

1 out a domestic violence, sexual assault, or stalking
2 prevention or treatment program, an organization
3 operating a shelter or providing counseling services,
4 or a legal services organization or other organization
5 providing assistance through the legal process.

6 **SEC. 5. PROVISION OF PAID SICK TIME.**

7 (a) ACCRUAL OF PAID SICK TIME.—

8 (1) IN GENERAL.—An employer shall permit
9 each employee employed by the employer to earn not
10 less than 1 hour of paid sick time for every 30 hours
11 worked, to be used as described in subsection (b).
12 An employer shall not be required to permit an em-
13 ployee to earn, under this section, more than 56
14 hours of paid sick time in a calendar year, unless
15 the employer chooses to set a higher limit.

16 (2) EXEMPT EMPLOYEES.—

17 (A) IN GENERAL.—Except as provided in
18 paragraph (3), for purposes of this section, an
19 employee who is exempt from overtime require-
20 ments under section 13(a)(1) of the Fair Labor
21 Standards Act of 1938 (29 U.S.C. 213(a)(1))
22 shall be assumed to work 40 hours in each
23 workweek.

24 (B) SHORTER NORMAL WORKWEEK.—If
25 the normal workweek of such an employee is

1 less than 40 hours, the employee shall earn
2 paid sick time based upon that normal work
3 week.

4 (3) DATES OF ACCRUAL AND USE.—Employees
5 shall begin to earn paid sick time under this section
6 at the commencement of their employment. An em-
7 ployee shall be entitled to use the earned paid sick
8 time beginning on the 60th calendar day following
9 commencement of the employee’s employment. After
10 that 60th calendar day, the employee may use the
11 paid sick time as the time is earned. An employer
12 may, at the discretion of the employer, loan paid
13 sick time to an employee in advance of the earning
14 of such time under this section by such employee.

15 (4) CARRYOVER.—

16 (A) IN GENERAL.—Except as provided in
17 subparagraph (B), paid sick time earned under
18 this section shall carry over from 1 calendar
19 year to the next.

20 (B) CONSTRUCTION.—This Act shall not
21 be construed to require an employer to permit
22 an employee to accrue more than 56 hours of
23 earned paid sick time at a given time.

24 (5) EMPLOYERS WITH EXISTING POLICIES.—
25 Any employer with a paid leave policy who makes

1 available an amount of paid leave that is sufficient
2 to meet the requirements of this section and that
3 may be used for the same purposes and under the
4 same conditions as the purposes and conditions out-
5 lined in subsection (b) shall not be required to per-
6 mit an employee to earn additional paid sick time
7 under this section.

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

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

22 (8) PROHIBITION.—An employer may not re-
23 quire, as a condition of providing paid sick time
24 under this Act, that the employee involved search for

1 or find a replacement worker to cover the hours dur-
2 ing which the employee is using paid sick time.

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

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

8 (2) An absence resulting from obtaining profes-
9 sional medical diagnosis or care, or preventive med-
10 ical care, for the employee.

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

16 (A) has any of the conditions or needs for
17 diagnosis or care described in paragraph (1) or
18 (2); and

19 (B) in the case of someone who is not a
20 child, 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 13 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 1 of the fol-
5 lowing forms of documentation:

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

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

23 (iii) Other documentation signed by
24 an employee or volunteer working for a vic-
25 tim services organization, an attorney, a

1 police officer, a medical professional, a so-
2 cial worker, an antiviolence counselor, or a
3 member of the clergy, affirming that the
4 employee or a member of the employee's
5 family described in subsection (b)(4) is a
6 victim of domestic violence, sexual assault,
7 or stalking.

8 (B) REQUIREMENTS.—The requirements
9 of paragraph (2) shall apply to certifications
10 under this paragraph, except that—

11 (i) subclauses (III) and (IV) of sub-
12 paragraph (B)(i) and subparagraph (B)(ii)
13 of such paragraph shall not apply;

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

22 (iii) with respect to confidentiality
23 under subparagraph (D) of such para-
24 graph, any information provided to the em-
25 ployer under this paragraph shall be con-

1 confidential, except to the extent that any dis-
2 closure of such information is—

3 (I) requested or consented to in
4 writing by the employee; or

5 (II) otherwise required by appli-
6 cable Federal or State law.

7 **SEC. 6. POSTING REQUIREMENT.**

8 (a) IN GENERAL.—Each employer shall post and
9 keep posted a notice, to be prepared or approved in ac-
10 cordance with procedures specified in regulations pre-
11 scribed under section 13, setting forth excerpts from, or
12 summaries of, the pertinent provisions of this Act includ-
13 ing—

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

16 (2) information pertaining to the filing of an
17 action under this Act;

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

21 (4) information that describes—

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

24 (B) how the employee can contact the Sec-
25 retary (or other appropriate authority as de-

1 scribed in section 8) if any of the rights are vio-
2 lated.

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

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

8 (2) in employee handbooks.

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

13 **SEC. 7. PROHIBITED ACTS.**

14 (a) INTERFERENCE WITH RIGHTS.—

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

19 (A) discharging or discriminating against
20 (including retaliating against) any individual,
21 including a job applicant, for exercising, or at-
22 tempting to exercise, any right provided under
23 this Act;

24 (B) using the taking of paid sick time
25 under this Act as a negative factor in an em-

1 ployment action, such as hiring, promotion, or
2 a disciplinary action; or

3 (C) counting the paid sick time under a
4 no-fault attendance policy or any other absence
5 control policy.

6 (2) DISCRIMINATION.—It shall be unlawful for
7 any employer to discharge or in any other manner
8 discriminate against (including retaliating against)
9 any individual, including a job applicant, for oppos-
10 ing any practice made unlawful by this Act.

11 (b) INTERFERENCE WITH PROCEEDINGS OR INQUIR-
12 IES.—It shall be unlawful for any person to discharge or
13 in any other manner discriminate against (including retali-
14 ating against) any individual, including a job applicant,
15 because such individual—

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

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

22 (3) has testified, or is about to testify, in any
23 inquiry or proceeding relating to any right provided
24 under this Act.

1 (c) CONSTRUCTION.—Nothing in this section shall be
2 construed to state or imply that the scope of the activities
3 prohibited by section 105 of the Family and Medical Leave
4 Act of 1993 (29 U.S.C. 2615) is less than the scope of
5 the activities prohibited by this section.

6 **SEC. 8. ENFORCEMENT AUTHORITY.**

7 (a) IN GENERAL.—

8 (1) DEFINITION.—In this subsection:

9 (A) the term “employee” means an em-
10 ployee described in subparagraph (A) or (B) of
11 section 4(4); and

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

15 (2) INVESTIGATIVE AUTHORITY.—

16 (A) IN GENERAL.—To ensure compliance
17 with the provisions of this Act, or any regula-
18 tion or order issued under this Act, the Sec-
19 retary shall have, subject to subparagraph (C),
20 the investigative authority provided under sec-
21 tion 11(a) of the Fair Labor Standards Act of
22 1938 (29 U.S.C. 211(a)), with respect to em-
23 ployers, employees, and other individuals af-
24 fected.

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

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

19 (D) SUBPOENA AUTHORITY.—For the pur-
20 poses of any investigation provided for in this
21 paragraph, the Secretary shall have the sub-
22 poena authority provided for under section 9 of
23 the Fair Labor Standards Act of 1938 (29
24 U.S.C. 209).

1 (3) CIVIL ACTION BY EMPLOYEES OR INDIVID-
2 UALS.—

3 (A) RIGHT OF ACTION.—An action to re-
4 cover the damages or equitable relief prescribed
5 in subparagraph (B) may be maintained
6 against any employer in any Federal or State
7 court of competent jurisdiction by one or more
8 employees or individuals or their representative
9 for and on behalf of—

- 10 (i) the employees or individuals; or
11 (ii) the employees or individuals and
12 others similarly situated.

13 (B) LIABILITY.—Any employer who vio-
14 lates section 7 (including a violation relating to
15 rights provided under section 5) shall be liable
16 to any employee or individual affected—

- 17 (i) for damages equal to—
18 (I) the amount of—
19 (aa) any wages, salary, em-
20 ployment benefits, or other com-
21 pensation denied or lost by rea-
22 son of the violation; or
23 (bb) in a case in which
24 wages, salary, employment bene-
25 fits, or other compensation have

1 not been denied or lost, any ac-
2 tual monetary losses sustained as
3 a direct result of the violation up
4 to a sum equal to 56 hours of
5 wages or salary for the employee
6 or individual;

7 (II) the interest on the amount
8 described in subclause (I) calculated
9 at the prevailing rate; and

10 (III) an additional amount as liq-
11 uidated damages; and

12 (ii) for such equitable relief as may be
13 appropriate, including employment, rein-
14 statement, and promotion.

15 (C) FEES AND COSTS.—The court in an
16 action under this paragraph shall, in addition to
17 any judgment awarded to the plaintiff, allow a
18 reasonable attorney's fee, reasonable expert wit-
19 ness fees, and other costs of the action to be
20 paid by the defendant.

21 (4) ACTION BY THE SECRETARY.—

22 (A) ADMINISTRATIVE ACTION.—The Sec-
23 retary shall receive, investigate, and attempt to
24 resolve complaints of violations of section 7 (in-
25 cluding a violation relating to rights provided

1 under section 5) in the same manner that the
2 Secretary receives, investigates, and attempts to
3 resolve complaints of violations of sections 6
4 and 7 of the Fair Labor Standards Act of 1938
5 (29 U.S.C. 206 and 207).

6 (B) CIVIL ACTION.—The Secretary may
7 bring an action in any court of competent juris-
8 diction to recover the damages described in
9 paragraph (3)(B)(i).

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

20 (5) LIMITATION.—

21 (A) IN GENERAL.—Except as provided in
22 subparagraph (B), an action may be brought
23 under paragraph (3), (4), or (6) not later than
24 2 years after the date of the last event consti-

1 tuting the alleged violation for which the action
2 is brought.

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

10 (C) COMMENCEMENT.—In determining
11 when an action is commenced under paragraph
12 (3), (4), or (6) for the purposes of this para-
13 graph, it shall be considered to be commenced
14 on the date when the complaint is filed.

15 (6) ACTION FOR INJUNCTION BY SECRETARY.—
16 The district courts of the United States shall have
17 jurisdiction, for cause shown, in an action brought
18 by the Secretary—

19 (A) to restrain violations of section 7 (in-
20 cluding a violation relating to rights provided
21 under section 5), including the restraint of any
22 withholding of payment of wages, salary, em-
23 ployment benefits, or other compensation, plus
24 interest, found by the court to be due to em-
25 ployees or individuals eligible under this Act; or

1 (B) to award such other equitable relief as
2 may be appropriate, including employment, re-
3 instatement, and promotion.

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

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

16 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
17 COUNTABILITY ACT OF 1995.—The powers, remedies, and
18 procedures provided in the Congressional Accountability
19 Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as de-
20 fined in section 101 of that Act (2 U.S.C. 1301)), or any
21 person, alleging a violation of section 202(a)(1) of that
22 Act (2 U.S.C. 1312(a)(1)) shall be the powers, remedies,
23 and procedures this Act provides to that Board, or any
24 person, alleging an unlawful employment practice in viola-

1 tion of this Act against an employee described in section
2 4(4)(C).

3 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
4 3, UNITED STATES CODE.—The powers, remedies, and
5 procedures provided in chapter 5 of title 3, United States
6 Code, to the President, the Merit Systems Protection
7 Board, or any person, alleging a violation of section
8 412(a)(1) of that title, shall be the powers, remedies, and
9 procedures this Act provides to the President, that Board,
10 or any person, respectively, alleging an unlawful employ-
11 ment practice in violation of this Act against an employee
12 described in section 4(4)(D).

13 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE
14 5, UNITED STATES CODE.—The powers, remedies, and
15 procedures provided in title 5, United States Code, to an
16 employing agency, provided in chapter 12 of that title to
17 the Merit Systems Protection Board, or provided in that
18 title to any person, alleging a violation of chapter 63 of
19 that title, shall be the powers, remedies, and procedures
20 this Act provides to that agency, that Board, or any per-
21 son, respectively, alleging an unlawful employment prac-
22 tice in violation of this Act against an employee described
23 in section 4(4)(E).

24 (e) REMEDIES FOR STATE EMPLOYEES.—

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

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

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

23 (4) DEFINITION OF PROGRAM OR ACTIVITY.—In
24 this subsection, the term “program or activity” has

1 the meaning given the term in section 606 of the
2 Civil Rights Act of 1964 (42 U.S.C. 2000d–4a).

3 **SEC. 9. COLLECTION OF DATA ON PAID SICK TIME AND**
4 **FURTHER STUDY.**

5 (a) COMPILATION OF INFORMATION.—Effective 90
6 days after the date of enactment of this Act, the Commis-
7 sioner of Labor Statistics shall annually compile informa-
8 tion on the following:

9 (1) The number of employees who used paid
10 sick time.

11 (2) The number of hours of paid sick time
12 used.

13 (3) The number of employees who used paid
14 sick time for absences necessary due to domestic vio-
15 lence, sexual assault, or stalking.

16 (4) The demographic characteristics of employ-
17 ees who were eligible for and who used paid sick
18 time.

19 (b) GAO STUDY.—

20 (1) IN GENERAL.—The Comptroller General of
21 the United States shall annually conduct a study to
22 determine the following:

23 (A)(i) The number of days employees used
24 paid sick time and the reasons for the use.

1 (ii) The number of employees who used the
2 paid sick time for periods of time covering more
3 than 3 consecutive workdays.

4 (B) The cost and benefits to employers of
5 implementing the paid sick time policies.

6 (C) The cost to employees of providing cer-
7 tification to obtain the paid sick time.

8 (D) The benefits of the paid sick time to
9 employees and their family members, including
10 effects on employees' ability to care for their
11 family members or to provide for their own
12 health needs.

13 (E) Whether the paid sick time affected
14 employees' ability to sustain an adequate in-
15 come while meeting needs of the employees and
16 their family members.

17 (F) Whether employers who administered
18 paid sick time policies prior to the date of en-
19 actment of this Act were affected by the provi-
20 sions of this Act.

21 (G) Whether other types of leave were af-
22 fected by this Act.

23 (H) Whether paid sick time affected reten-
24 tion and turnover and costs of presenteeism.

1 (I) Whether the paid sick time increased
2 the use of less costly preventive medical care
3 and lowered the use of emergency room care.

4 (J) Whether the paid sick time reduced the
5 number of children sent to school when the chil-
6 dren were sick.

7 (2) DISAGGREGATING DATA.—The data col-
8 lected under subparagraphs (A) and (D) of para-
9 graph (1) shall be disaggregated by gender, race,
10 disability, earnings level, age, marital status, family
11 type, including parental status, and industry.

12 (3) REPORTS.—

13 (A) IN GENERAL.—Not later than 18
14 months after the date of enactment of this Act,
15 the Comptroller General of the United States
16 shall prepare and submit a report to the appro-
17 priate committees of Congress concerning the
18 results of the study conducted pursuant to
19 paragraph (1) and the data aggregated under
20 paragraph (2).

21 (B) FOLLOWUP REPORT.—Not later than
22 5 years after the date of enactment of this Act,
23 the Comptroller General of the United States
24 shall prepare and submit a followup report to
25 the appropriate committees of Congress con-

1 cerning the results of the study conducted pur-
2 suant to paragraph (1) and the data aggregated
3 under paragraph (2).

4 **SEC. 10. EFFECT ON OTHER LAWS.**

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

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

19 **SEC. 11. EFFECT ON EXISTING EMPLOYMENT BENEFITS.**

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

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

5 **SEC. 12. ENCOURAGEMENT OF MORE GENEROUS LEAVE**
6 **POLICIES.**

7 Nothing in this Act shall be construed to discourage
8 employers from adopting or retaining leave policies more
9 generous than policies that comply with the requirements
10 of this Act.

11 **SEC. 13. REGULATIONS.**

12 (a) IN GENERAL.—

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

21 (2) GOVERNMENT ACCOUNTABILITY OFFICE; LI-
22 BRARY OF CONGRESS.—The Comptroller General of
23 the United States and the Librarian of Congress
24 shall prescribe the regulations with respect to em-
25 ployees of the Government Accountability Office and

1 the Library of Congress, respectively, and other indi-
2 viduals affected by the Comptroller General of the
3 United States and the Librarian of Congress, re-
4 spectively.

5 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
6 COUNTABILITY ACT OF 1995.—

7 (1) AUTHORITY.—Not later than 90 days after
8 the Secretary prescribes regulations under section
9 13(a), the Board of Directors of the Office of Com-
10 pliance shall prescribe (in accordance with section
11 304 of the Congressional Accountability Act of 1995
12 (2 U.S.C. 1384)) such regulations as are necessary
13 to carry out this Act with respect to employees de-
14 scribed in section 4(4)(C) and other individuals af-
15 fected by employers described in section
16 4(5)(A)(i)(III).

17 (2) AGENCY REGULATIONS.—The regulations
18 prescribed under paragraph (1) shall be the same as
19 substantive regulations promulgated by the Sec-
20 retary to carry out this Act except insofar as the
21 Board may determine, for good cause shown and
22 stated together with the regulations prescribed
23 under paragraph (1), that a modification of such
24 regulations would be more effective for the imple-

1 mentation of the rights and protections involved
2 under this section.

3 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
4 3, UNITED STATES CODE.—

5 (1) AUTHORITY.—Not later than 90 days after
6 the Secretary prescribes regulations under section
7 13(a), the President (or the designee of the Presi-
8 dent) shall prescribe such regulations as are nec-
9 essary to carry out this Act with respect to employ-
10 ees described in section 4(4)(D) and other individ-
11 uals affected by employers described in section
12 4(5)(A)(i)(IV).

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

23 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE
24 5, UNITED STATES CODE.—

1 (1) **AUTHORITY.**—Not later than 90 days after
2 the Secretary prescribes regulations under section
3 13(a), the Director of the Office of Personnel Man-
4 agement shall prescribe such regulations as are nec-
5 essary to carry out this Act with respect to employ-
6 ees described in section 4(4)(E) and other individ-
7 uals affected by employers described in section
8 4(5)(A)(i)(V).

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 Di-
13 rector may determine, for good cause shown and
14 stated together with the regulations prescribed
15 under paragraph (1), that a modification of such
16 regulations would be more effective for the imple-
17 mentation of the rights and protections involved
18 under this section.

19 **SEC. 14. EFFECTIVE DATES.**

20 (a) **EFFECTIVE DATE.**—This Act shall take effect 6
21 months after the date of issuance of regulations under sec-
22 tion 13(a)(1).

23 (b) **COLLECTIVE BARGAINING AGREEMENTS.**—In the
24 case of a collective bargaining agreement in effect on the

1 effective date prescribed by subsection (a), this Act shall
2 take effect on the earlier of—

3 (1) the date of the termination of such agree-
4 ment; or

5 (2) the date that occurs 18 months after the
6 date of issuance of regulations under section
7 13(a)(1).

