

118TH CONGRESS
1ST SESSION

H. R. 3255

To amend title 49, United States Code, with respect to sick leave for certain employees of Class I railroads, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2023

Mr. PAYNE (for himself, Mr. BOWMAN, Ms. BUDZINSKI, Mr. CARSON, Mr. CARTER of Louisiana, Mr. COHEN, Mr. DESAULNIER, Mrs. DINGELL, Mr. GARCÍA of Illinois, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Mr. KIM of New Jersey, Mr. LARSEN of Washington, Ms. LEE of California, Mr. MAGAZINER, Ms. MCCOLLUM, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Ms. NORTON, Ms. OMAR, Ms. SCHAKOWSKY, Ms. TITUS, Mrs. WATSON COLEMAN, Ms. ESCOBAR, Mr. LYNCH, Mr. EVANS, Mr. NEGUSE, Mrs. FOUSHEE, Ms. HOYLE of Oregon, Ms. BARRAGÁN, Mr. HUFFMAN, Mr. MENENDEZ, Ms. JAYAPAL, Ms. STRICKLAND, Ms. OCASIO-CORTEZ, Ms. STANSBURY, Mr. MOULTON, and Ms. WILSON of Florida) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, with respect to sick leave for certain employees of Class I railroads, and for other purposes.

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 “Freight Rail Workforce
5 Health and Safety Act”.

1 **SEC. 2. RAILROAD SAFETY RISK REDUCTION PROGRAM.**

2 (a) IN GENERAL.—Section 20156(a)(3) of title 49,
3 United States Code, is amended—

4 (1) by inserting “The Secretary shall not ap-
5 prove a railroad safety risk reduction program plan,
6 or subsequent amendment to a plan, if the railroad
7 carrier submitting such plan or amendment does not
8 comply with the requirements of section 20172. The
9 Secretary may consider other factors in reviewing
10 and approving or disapproving safety risk reduction
11 program plans or amendments to plans that the Sec-
12 retary determines appropriate.” after “reasonable
13 period of time.”;

14 (2) by inserting “and approve or disapprove
15 plans” after “conduct a review”; and

16 (3) by inserting “, including the requirements
17 of section 20172” after “their plans”.

18 (b) INJURY AND FATALITY PREVENTION.—Chapter
19 201 of title 49, United States Code, is amended by adding
20 at the end the following:

21 **“§ 20172. Injury and fatality prevention**

22 “(a) IN GENERAL.—

23 “(1) SICK LEAVE.—Not later than 60 days
24 after the date of enactment of this section, each
25 Class I railroad carrier subject to part 271 of title
26 49, Code of Federal Regulations, shall provide the

1 employees of such rail carrier paid sick leave in ac-
2 cordance with this section.

3 “(2) ACCOUNTING.—

4 “(A) IN GENERAL.—For the purposes of
5 this section, personal days, holidays, floating
6 holidays, vacation, any other form of accrued
7 leave or any other unpaid leave do not count as
8 days of paid sick leave.

9 “(B) USE OR ABILITY TO USE.—The use
10 of or the ability to use any such days or leave
11 as paid sick leave days also does not count to-
12 ward satisfying the minimum number of paid
13 sick leave days required by this section.

14 “(b) ACCRUING PAID SICK LEAVE.—

15 “(1) IN GENERAL.—Each Class I railroad car-
16 rier described in subsection (a)(1) shall provide the
17 employees of such rail carrier at least 7 days of paid
18 sick leave in a calendar year.

19 “(2) CARRY OVER.—Each day of paid sick leave
20 that an employee does not take in a calendar year
21 shall be carried over to January 1 of the following
22 calendar year and shall not count toward the min-
23 imum number of sick days set under subsection (a).

24 “(3) WAGE RATE.—Each day of sick leave that
25 an employee takes shall be paid at the regular hour-

1 ly wage rate of the employee and is to include com-
2 pensation elements that comprise the wage rate of
3 such employee.

4 “(c) USE OF PAID SICK LEAVE.—Subject to the con-
5 ditions of subsection (d), a Class I railroad carrier shall
6 permit an employee to use paid sick leave to be absent
7 during any work time because of—

8 “(1) a physical or mental illness, injury, or
9 medical condition of the employee;

10 “(2) obtaining diagnosis, care, or preventive
11 care from a health care provider by the employee;

12 “(3) caring for the child, parent, spouse, or do-
13 mestic partner of an employee or any other indi-
14 vidual related by blood or affinity whose close asso-
15 ciation with the employee is the equivalent of a fam-
16 ily relationship who has any of the conditions or
17 needs for diagnosis, care, or preventive care de-
18 scribed in paragraphs (1) or (2) of this subsection;
19 or

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

22 “(A) seek medical attention for the em-
23 ployee or the employee’s child, parent, spouse,
24 domestic partner, or an individual related to the
25 employee as described in paragraph (3), to re-

1 cover from physical or psychological injury or
2 disability caused by domestic violence, sexual
3 assault, or stalking;

4 “(B) obtain or assist a related person de-
5 scribed in paragraph (3) in obtaining services
6 from a victim services organization;

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

10 “(D) seek relocation; or

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

15 “(d) UTILIZING PAID SICK LEAVE.—

16 “(1) IN GENERAL.—If the need for leave is
17 foreseeable, the request by an employee shall be
18 made at least 7 calendar days in advance of the date
19 for which the leave is requested.

20 “(2) NON-FORESEEABLE REQUESTS.—If the
21 employee is unable to request leave at least 7 cal-
22 endar days in advance, the request shall be made as
23 soon as is practicable.

24 “(3) NO CONTINGENCY.—A Class I railroad
25 carrier may not make the use of paid sick leave con-

1 tingent on the requesting employee finding a re-
2 placement to cover any work time to be missed by
3 the requesting employee.

4 “(4) PROHIBITION ON ADVERSE ACTION.—A
5 Class I railroad carrier is prohibited from—

6 “(A) dismissing, suspending, laying off, de-
7 moting, or disciplining (including assigning
8 points, demerits, or disciplinary citations under
9 any attendance policy) an employee because the
10 employee has requested the use of or has used
11 paid sick leave; and

12 “(B) taking into account a request by an
13 employee to use or use of paid sick leave in con-
14 nection with in any decision to promote or train
15 the employee.

16 “(e) MINIMUM DAYS OF PAID SICK LEAVE AND COL-
17 LECTIVE BARGAINING.—

18 “(1) IN GENERAL.—The minimum number of
19 paid sick days established by this section that a
20 Class I railroad carrier must provide employees is
21 the minimum number of such days consistent with
22 safety. The use of any 7 days of paid sick leave an-
23 nually, regardless of whether such days are provided
24 under any agreement reached in negotiations be-
25 tween any such Class I railroad carrier and any rep-

1 representative of its employees under the Railway
2 Labor Act (45 U.S.C. 151 et seq.), shall meet the
3 requirements of subsection (d) of this subsection.

4 “(2) ADDITIONAL DAYS.—Additional paid sick
5 days may be collectively bargained between a rail-
6 road carrier and the representatives of employees of
7 such railroad in accordance with the Railway Labor
8 Act (45 U.S.C. 151 et seq.).

9 “(f) DEFINITIONS.—In this section:

10 “(1) DAY.—The term ‘day’ means a period of
11 24 consecutive hours.

12 “(2) DOMESTIC VIOLENCE.—The term ‘domes-
13 tic violence’—

14 “(A) has the meaning given the term in
15 section 40002(a) of the Violence Against
16 Women Act of 1994 (34 U.S.C. 12291(a)), ex-
17 cept that the reference in such section to the
18 term “jurisdiction receiving grant monies” shall
19 be deemed to mean the jurisdiction in which the
20 victim lives or the jurisdiction in which the em-
21 ployer involved is located; and

22 “(B) includes dating violence, as such term
23 is defined in such section.

24 “(3) PAID SICK LEAVE.—The term ‘paid sick
25 leave’ means an increment of compensated leave that

1 can be earned by an employee for use during an ab-
2 sence from employment for any of the reasons de-
3 scribed in paragraphs (1) through (4) of subsection
4 (c).

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

9 “(5) STALKING.—The term ‘stalking’ has the
10 meaning given such term in section 40002(a) of the
11 Violence Against Women Act of 1994 (34 U.S.C.
12 12291(a)).”.

13 (c) CLERICAL AMENDMENT.—The analysis for chap-
14 ter 201 of title 49, United States Code, is amended by
15 adding at the end the following:

“20172. Injury and fatality prevention.”.

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