

114TH CONGRESS
2D SESSION

H. R. 5496

To extend protections under the Family and Medical Leave Act of 1993
to part-time workers.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2016

Ms. SCHAKOWSKY (for herself, Mrs. CAROLYN B. MALONEY of New York, Ms. WILSON of Florida, Ms. LEE, Mr. McDERMOTT, Mrs. NAPOLITANO, Mr. SCOTT of Virginia, and Mr. JOHNSON of Georgia) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Oversight and Government Reform and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To extend protections under the Family and Medical Leave
Act of 1993 to part-time workers.

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; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Family and Medical Leave Act Protections for Part-time
6 Workers Act of 2016”.

7 (b) FINDINGS.—Congress finds the following:

1 (1) According to a 2012 survey by Abt Associ-
2 ates commissioned by the Department of Labor, only
3 59 percent of employees are eligible for leave under
4 the Family and Medical Leave Act of 1993 (29
5 U.S.C. 2601 et seq.).

6 (2) The requirement that employees work 1,250
7 hours for an employer in the previous year (roughly
8 24 hours per week) to be eligible for job-protected
9 unpaid leave under the Family and Medical Leave
10 Act of 1993 (29 U.S.C. 2601 et seq.) excludes many
11 part-time workers from the Act's protections.

12 (3) Low-wage workers are less likely than other
13 workers to have access to job-protected leave under
14 the Family and Medical Leave Act of 1993 (29
15 U.S.C. 2601 et seq.).

16 (4) Part-time workers are more than three
17 times as likely as full-time workers to hold low-wage
18 jobs.

19 (5) Low-wage jobs are often characterized by
20 high turnover rates and significant variability in
21 work hours, both of which make it difficult to meet
22 the 1,250 hours requirement under the Family and
23 Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

24 (6) Two-thirds of part-time workers are women.
25 Because women still shoulder a disproportionate

1 share of caregiving responsibilities, these workers
2 are likely to also have a disproportionate need for
3 job-protected, unpaid leave to fulfill these respon-
4 sibilities.

5 (7) Some low-wage workers are working mul-
6 tiple jobs to make ends meet, but their eligibility for
7 leave under the Family and Medical Leave Act of
8 1993 (29 U.S.C. 2601 et seq.) is determined by only
9 by their work for a single employer.

10 (8) The survey conducted for the Department
11 of Labor in 2012 found that reducing the hours of
12 service requirement to 780 hours would result in a
13 nearly 4-percent increase in the percentage of em-
14 ployees who are eligible for leave under the Family
15 and Medical Leave Act of 1993 (29 U.S.C. 2601 et
16 seq.).

17 (9) Removing the requirement that employees
18 work 1,250 hours in the previous year to qualify for
19 coverage under the Family and Medical Leave Act of
20 1993 (29 U.S.C. 2601 et seq.) will greatly expand
21 access to unpaid leave for the most vulnerable work-
22 ers.

1 **SEC. 2. ELIMINATION OF HOURS OF SERVICE REQUIRE-**
2 **MENT FOR FMLA LEAVE.**

3 (a) AMENDMENT.—Section 101(2)(A) of the Family
4 and Medical Leave Act of 1993 (29 U.S.C. 2611(2)(A))
5 is amended to read as follows:

6 “(A) IN GENERAL.—The term ‘eligible em-
7 ployee’ means an employee who has been em-
8 ployed, either as a full-time or part-time em-
9 ployee, for at least 12 months by the employer
10 with respect to whom leave is requested under
11 section 102.”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 subsection (a) shall take effect beginning on the date that
14 is one year after the date of enactment of this Act.

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