

116TH CONGRESS
1ST SESSION

S. 3071

To amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to permit leave to care for a domestic partner, parent-in-law, or adult child, or another related individual, who has a serious health condition, and to allow employees to take, as additional leave, parental involvement and family wellness leave to participate in or attend their children's and grandchildren's educational and extracurricular activities or meet family care needs.

IN THE SENATE OF THE UNITED STATES

DECEMBER 17, 2019

Mr. DURBIN (for himself, Mr. BLUMENTHAL, Ms. DUCKWORTH, Mr. LEAHY, Ms. HARRIS, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to permit leave to care for a domestic partner, parent-in-law, or adult child, or another related individual, who has a serious health condition, and to allow employees to take, as additional leave, parental involvement and family wellness leave to participate in or attend their children's and grandchildren's educational and extracurricular activities or meet family care needs.

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 “Family Medical Leave
 5 Modernization Act”.

6 **SEC. 2. LEAVE TO CARE FOR A DOMESTIC PARTNER, SON-**
 7 **IN-LAW, DAUGHTER-IN-LAW, PARENT-IN-LAW,**
 8 **ADULT CHILD, GRANDPARENT, GRANDCHILD,**
 9 **OR SIBLING OF THE EMPLOYEE, OR AN-**
 10 **OTHER RELATED INDIVIDUAL.**

11 (a) DEFINITIONS.—

12 (1) INCLUSION OF RELATED INDIVIDUALS.—

13 Section 101 of such Act is further amended by add-
 14 ing at the end the following:

15 “(20) ANY OTHER INDIVIDUAL RELATED BY
 16 BLOOD OR AFFINITY WHOSE CLOSE ASSOCIATION IS
 17 THE EQUIVALENT OF A FAMILY RELATIONSHIP.—

18 The term ‘any other individual related by blood or
 19 affinity whose close association is the equivalent of
 20 a family relationship’, used with respect to an em-
 21 ployee, means any person with whom the employee
 22 has a significant personal bond that is or is like a
 23 family relationship, regardless of biological or legal
 24 relationship.

1 “(21) DOMESTIC PARTNER.—The term ‘domestic
2 tie partner’, used with respect to an employee,
3 means—

4 “(A) the person recognized as the domestic
5 partner of the employee under any domestic
6 partnership or civil union law of a State or po-
7 litical subdivision of a State; or

8 “(B) in the case of an unmarried em-
9 ployee, an unmarried adult person who is in a
10 committed, personal relationship with the em-
11 ployee, is not a domestic partner as described
12 in subparagraph (A) to or in such a relation-
13 ship with any other person, and who is des-
14 ignated to the employer by such employee as
15 that employee’s domestic partner.

16 “(22) GRANDCHILD.—The term ‘grandchild’
17 means the son or daughter of an employee’s son or
18 daughter.

19 “(23) GRANDPARENT.—The term ‘grandparent’
20 means a parent of a parent of an employee.

21 “(24) NEPHEW; NIECE.—The terms ‘nephew’
22 and ‘niece’, used with respect to an employee, mean
23 a son or daughter of the employee’s sibling.

1 “(25) PARENT-IN-LAW.—The term ‘parent-in-
2 law’ means a parent of the spouse or domestic part-
3 ner of an employee.

4 “(26) SIBLING.—The term ‘sibling’ means any
5 person who is a son or daughter of an employee’s
6 parent (other than the employee).

7 “(27) SON-IN-LAW; DAUGHTER-IN-LAW.—The
8 terms ‘son-in-law’ and ‘daughter-in-law’, used with
9 respect to an employee, mean any person who is a
10 spouse or domestic partner of a son or daughter, as
11 the case may be, of the employee.

12 “(28) UNCLE; AUNT.—The terms ‘uncle’ and
13 ‘aunt’, used with respect to an employee, mean the
14 son or daughter, as the case may be, of the employ-
15 ee’s grandparent (other than the employee’s par-
16 ent).”.

17 (2) INCLUSION OF ADULT CHILDREN AND CHIL-
18 DREN OF A DOMESTIC PARTNER.—Section 101(12)
19 of such Act (29 U.S.C. 2611(12)) is amended—

20 (A) by inserting “a child of an individual’s
21 domestic partner,” after “a legal ward,”; and

22 (B) by striking “who is—” and all that
23 follows and inserting “and includes an adult
24 child.”.

1 (b) LEAVE REQUIREMENT.—Section 102 of the Fam-
2 ily and Medical Leave Act of 1993 (29 U.S.C. 2612) is
3 amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1)—

6 (i) in subparagraph (C), by striking
7 “spouse, or a son, daughter, or parent, of
8 the employee, if such spouse, son, daugh-
9 ter, or parent” and inserting “spouse or
10 domestic partner, or a son or daughter,
11 son-in-law, daughter-in-law, parent, par-
12 ent-in-law, grandparent, grandchild, sib-
13 ling, uncle or aunt, or nephew or niece of
14 the employee, or any other individual re-
15 lated by blood or affinity whose close asso-
16 ciation is the equivalent of a family rela-
17 tionship with the employee, if such spouse,
18 domestic partner, son or daughter, son-in-
19 law, daughter-in-law, parent, parent-in-law,
20 grandparent, grandchild, sibling, uncle or
21 aunt, or nephew or niece, or such other in-
22 dividual”; and

23 (ii) in subparagraph (E), by striking
24 “spouse, or a son, daughter, or parent of
25 the employee” and inserting “spouse or do-

1 mestic partner, or a son or daughter, son-
2 in-law, daughter-in-law, parent, parent-in-
3 law, grandchild, sibling, uncle or aunt, or
4 nephew or niece of the employee, or any
5 other individual related by blood or affinity
6 whose close association is the equivalent of
7 a family relationship with the employee”;
8 and

9 (B) in paragraph (3), by striking “spouse,
10 son, daughter, parent, or next of kin of a cov-
11 ered servicemember” and inserting “spouse or
12 domestic partner, son or daughter, son-in-law,
13 daughter-in-law, parent, parent-in-law, grand-
14 parent, sibling, uncle or aunt, nephew or niece,
15 or next of kin of a covered servicemember, or
16 any other individual related by blood or affinity
17 whose close association is the equivalent of a
18 family relationship with the covered service-
19 member”;

20 (2) in subsection (e)—

21 (A) in paragraph (2)(A), by striking “son,
22 daughter, spouse, parent, or covered service-
23 member of the employee, as appropriate” and
24 inserting “son or daughter, son-in-law, daugh-
25 ter-in-law, spouse or domestic partner, parent,

1 parent-in-law, grandparent, grandchild, sibling,
2 uncle or aunt, nephew or niece, or covered serv-
3 icemember of the employee, or any other indi-
4 vidual related by blood or affinity whose close
5 association is the equivalent of a family rela-
6 tionship with the employee, as appropriate”;
7 and

8 (B) in paragraph (3), by striking “spouse,
9 or a son, daughter, or parent, of the employee”
10 and inserting “spouse or domestic partner, or a
11 son or daughter, son-in-law, daughter-in-law,
12 parent, parent-in-law, grandchild, sibling, uncle
13 or aunt, or nephew or niece of the employee, or
14 any other individual related by blood or affinity
15 whose close association is the equivalent of a
16 family relationship with the employee, as appro-
17 priate,”; and

18 (3) in subsection (f)—

19 (A) in paragraph (1)—

20 (i) in the matter preceding subpara-
21 graph (A), by inserting “, or domestic
22 partners,” after “husband and wife”; and

23 (ii) in subparagraph (B), by inserting
24 “or parent-in-law” after “parent”; and

1 (B) in paragraph (2), by inserting “, or
2 those domestic partners,” after “husband and
3 wife” each place it appears.

4 (c) CERTIFICATION.—Section 103 of the Family and
5 Medical Leave Act of 1993 (29 U.S.C. 2613) is amend-
6 ed—

7 (1) in subsection (a), by striking “son, daugh-
8 ter, spouse, or parent of the employee, or of the next
9 of kin of an individual in the case of leave taken
10 under such paragraph (3), as appropriate” and in-
11 sserting “son or daughter, son-in-law, daughter-in-
12 law, spouse or domestic partner, parent, parent-in-
13 law, grandparent, grandchild, sibling, uncle or aunt,
14 or nephew or niece of the employee, or the next of
15 kin of an individual, or any other individual related
16 by blood or affinity whose close association is the
17 equivalent of a family relationship with the em-
18 ployee, as appropriate”; and

19 (2) in subsection (b)—

20 (A) in paragraph (4)(A), by striking “son,
21 daughter, spouse, or parent and an estimate of
22 the amount of time that such employee is need-
23 ed to care for the son, daughter, spouse, or par-
24 ent” and inserting “son or daughter, son-in-
25 law, daughter-in-law, spouse or domestic part-

1 ner, parent, parent-in-law, grandparent, grand-
2 child, sibling, uncle or aunt, or nephew or niece
3 of the employee, or any other individual related
4 by blood or affinity whose close association is
5 the equivalent of a family relationship with the
6 employee, as appropriate, and an estimate of
7 the amount of time that such employee is need-
8 ed to care for such son or daughter, son-in-law,
9 daughter-in-law, spouse or domestic partner,
10 parent, parent-in-law, grandparent, grandchild,
11 sibling, uncle or aunt, or nephew or niece, or
12 such other individual”; and

13 (B) in paragraph (7), by striking “son,
14 daughter, parent, or spouse who has a serious
15 health condition, or will assist in their recov-
16 ery,” and inserting “son or daughter, son-in-
17 law, daughter-in-law, spouse or domestic part-
18 ner, parent, parent-in-law, grandparent, grand-
19 child, sibling, uncle or aunt, or nephew or niece,
20 with a serious health condition, of the employee,
21 or an individual, with a serious health condi-
22 tion, who is any other individual related by
23 blood or affinity whose close association is the
24 equivalent of a family relationship with the em-

1 employee, as appropriate, or will assist in the re-
2 covery,”.

3 (d) EMPLOYMENT AND BENEFITS PROTECTION.—

4 Section 104(c)(3) of the Family and Medical Leave Act
5 of 1993 (29 U.S.C. 2614(c)(3)) is amended—

6 (1) in subparagraph (A)(i), by striking “son,
7 daughter, spouse, or parent of the employee, as ap-
8 propriate,” and inserting “son or daughter, son-in-
9 law, daughter-in-law, spouse or domestic partner,
10 parent, parent-in-law, grandparent, grandchild, sib-
11 ling, uncle or aunt, or nephew or niece of the em-
12 ployee, or any other individual related by blood or
13 affinity whose close association is the equivalent of
14 a family relationship with the employee, as appro-
15 priate,”; and

16 (2) in subparagraph (C)(ii), by striking “son,
17 daughter, spouse, or parent” and inserting “employ-
18 ee’s son or daughter, son-in-law, daughter-in-law,
19 spouse or domestic partner, parent, parent-in-law,
20 grandparent, grandchild, sibling, uncle or aunt, or
21 nephew or niece, or (with relation to the employee)
22 any other individual related by blood or affinity
23 whose close association is the equivalent of a family
24 relationship, as appropriate,”.

1 **SEC. 3. LEAVE TO CARE FOR A DOMESTIC PARTNER, SON-**
2 **IN-LAW, DAUGHTER-IN-LAW, PARENT-IN-LAW,**
3 **ADULT CHILD, GRANDPARENT, GRANDCHILD,**
4 **OR SIBLING OF THE EMPLOYEE, OR AN-**
5 **OTHER RELATED INDIVIDUAL FOR FEDERAL**
6 **EMPLOYEES.**

7 (a) DEFINITIONS.—

8 (1) INCLUSION OF A DOMESTIC PARTNER, SON-
9 IN-LAW, DAUGHTER-IN-LAW, PARENT-IN-LAW, ADULT
10 CHILD, GRANDPARENT, GRANDCHILD, OR SIBLING
11 OF THE EMPLOYEE, OR ANOTHER INDIVIDUAL RE-
12 LATED BY BLOOD OR AFFINITY.—Section 6381 of
13 title 5, United States Code, is amended—

14 (A) in paragraph (11) by striking “; and”
15 and inserting a semicolon;

16 (B) in paragraph (12), by striking the pe-
17 riod and inserting a semicolon; and

18 (C) by adding at the end the following:

19 “(13) the term ‘any other individual related by
20 blood or affinity whose close association is the equiv-
21 alent of a family relationship’, used with respect to
22 an employee, means any person with whom the em-
23 ployee has a significant personal bond that is or is
24 like a family relationship, regardless of biological or
25 legal relationship;

1 “(14) the term ‘domestic partner’, used with re-
2 spect to an employee, means—

3 “(A) the person recognized as the domestic
4 partner of the employee under any domestic
5 partnership or civil union law of a State or po-
6 litical subdivision of a State; or

7 “(B) in the case of an unmarried em-
8 ployee, an unmarried adult person who is in a
9 committed, personal relationship with the em-
10 ployee, is not a domestic partner as described
11 in subparagraph (A) or in such a relationship
12 with any other person, and who is designated to
13 the employing agency by such employee as that
14 employee’s domestic partner;

15 “(15) the term ‘grandchild’ means the son or
16 daughter of an employee’s son or daughter;

17 “(16) the term ‘grandparent’ means a parent of
18 a parent of an employee;

19 “(17) the terms ‘nephew’ and ‘niece’, used with
20 respect to an employee, mean a son or daughter of
21 the employee’s sibling;

22 “(18) the term ‘parent-in-law’ means a parent
23 of the spouse or domestic partner of an employee;

1 “(19) the term ‘sibling’ means any person who
2 is a son or daughter of an employee’s parent (other
3 than the employee);

4 “(20) the terms ‘son-in-law’ and ‘daughter-in-
5 law’, used with respect to an employee, mean any
6 person who is a spouse or domestic partner of a son
7 or daughter, as the case may be, of the employee;

8 “(21) the term ‘State’ has the same meaning
9 given the term in section 3 of the Fair Labor Stand-
10 ards Act of 1938 (29 U.S.C. 203); and

11 “(22) the terms ‘uncle’ and ‘aunt’, used with
12 respect to an employee, mean the son or daughter,
13 as the case may be, of the employee’s grandparent
14 (other than the employee’s parent).”.

15 (2) INCLUSION OF ADULT CHILDREN AND CHIL-
16 DREN OF A DOMESTIC PARTNER.—Section 6381(6)
17 of such title is amended—

18 (A) by inserting “a child of an individual’s
19 domestic partner,” after “a legal ward,”; and

20 (B) by striking “who is—” and all that
21 follows and inserting “and includes an adult
22 child”.

23 (b) LEAVE REQUIREMENT.—Section 6382 of title 5,
24 United States Code, is amended—

25 (1) in subsection (a)—

- 1 (A) in paragraph (1)—
- 2 (i) in subparagraph (C), by striking
- 3 “spouse, or a son, daughter, or parent, of
- 4 the employee, if such spouse, son, daugh-
- 5 ter, or parent” and inserting “spouse or
- 6 domestic partner, or a son or daughter,
- 7 son-in-law, daughter-in-law, parent, par-
- 8 ent-in-law, grandparent, grandchild, sib-
- 9 ling, uncle or aunt, or nephew or niece of
- 10 the employee, or any other individual re-
- 11 lated by blood or affinity whose close asso-
- 12 ciation with the employee is the equivalent
- 13 of a family relationship, if such spouse, do-
- 14 mestic partner, son or daughter, son-in-
- 15 law, daughter-in-law, parent, parent-in-law,
- 16 grandparent, grandchild, sibling, uncle or
- 17 aunt, or nephew or niece, or such other in-
- 18 dividual”; and
- 19 (ii) in subparagraph (E), by striking
- 20 “spouse, or a son, daughter, or parent of
- 21 the employee” and inserting “spouse or do-
- 22 mestic partner, or a son or daughter, son-
- 23 in-law, daughter-in-law, parent, parent-in-
- 24 law, grandchild, sibling, uncle or aunt, or
- 25 nephew or niece of the employee, or any

1 other individual related by blood or affinity
2 whose close association is the equivalent of
3 a family relationship with the employee”;
4 and

5 (B) in paragraph (3), by striking “spouse,
6 son, daughter, parent, or next of kin of a cov-
7 ered servicemember” and inserting “spouse or
8 domestic partner, son or daughter, son-in-law,
9 daughter-in-law, parent, parent-in-law, grand-
10 parent, sibling, uncle or aunt, nephew or niece,
11 or next of kin of a covered servicemember, or
12 any other individual related by blood or affinity
13 whose close association is the equivalent of a
14 family relationship with the covered service-
15 member”; and

16 (2) in subsection (e)—

17 (A) in paragraph (2)(A), by striking “son,
18 daughter, spouse, parent, or covered service-
19 member of the employee, as appropriate” and
20 inserting “son or daughter, son-in-law, daugh-
21 ter-in-law, spouse or domestic partner, parent,
22 parent-in-law, grandparent, grandchild, sibling,
23 uncle or aunt, nephew or niece, or covered serv-
24 icemember of the employee, or any other indi-
25 vidual related by blood or affinity whose close

1 association is the equivalent of a family rela-
2 tionship with the employee, as appropriate”;
3 and

4 (B) in paragraph (3), by striking “spouse,
5 or a son, daughter, or parent, of the employee”
6 and inserting “spouse or domestic partner, or a
7 son or daughter, son-in-law, daughter-in-law,
8 parent, parent-in-law, grandchild, sibling, uncle
9 or aunt, or nephew or niece of the employee, or
10 any other individual related by blood or affinity
11 whose close association is the equivalent of a
12 family relationship with the employee, as appro-
13 priate,”.

14 (c) CERTIFICATION.—Section 6383 of title 5, United
15 States Code, is amended—

16 (1) in subsection (a), by striking “son, daugh-
17 ter, spouse, or parent of the employee, as appro-
18 priate” and inserting “son or daughter, son-in-law,
19 daughter-in-law, spouse or domestic partner, parent,
20 parent-in-law, grandparent, grandchild, sibling,
21 uncle or aunt, or nephew or niece of the employee,
22 or any other individual related by blood or affinity
23 whose close association is the equivalent of a family
24 relationship with the employee, as appropriate”; and

1 (2) in subsection (b)(4)(A), by striking “son,
 2 daughter, spouse, or parent, and an estimate of the
 3 amount of time that such employee is needed to care
 4 for such son, daughter, spouse, or parent” and in-
 5 serting “son or daughter, son-in-law, daughter-in-
 6 law, spouse or domestic partner, parent, parent-in-
 7 law, grandparent, grandchild, sibling, uncle or aunt,
 8 or nephew or niece of the employee, or any other in-
 9 dividual related by blood or affinity whose close as-
 10 sociation is the equivalent of a family relationship
 11 with the employee, as appropriate, and an estimate
 12 of the amount of time that such employee is needed
 13 to care for such son or daughter, son-in-law, daugh-
 14 ter-in-law, spouse or domestic partner, parent, par-
 15 ent-in-law, grandparent, grandchild, sibling, uncle or
 16 aunt, or nephew or niece, or such other individual”.

17 **SEC. 4. ENTITLEMENT TO ADDITIONAL LEAVE UNDER THE**
 18 **FMLA FOR PARENTAL INVOLVEMENT AND**
 19 **FAMILY WELLNESS.**

20 (a) **LEAVE REQUIREMENT.**—Section 102(a) of the
 21 Family and Medical Leave Act of 1993 (29 U.S.C.
 22 2612(a)), as amended by section 2(b), is further amend-
 23 ed—

24 (1) by redesignating paragraph (5) as para-
 25 graph (6); and

1 (2) by inserting after paragraph (4) the fol-
2 lowing new paragraph:

3 “(5) ENTITLEMENT TO ADDITIONAL LEAVE FOR
4 PARENTAL INVOLVEMENT AND FAMILY
5 WELLNESS.—

6 “(A) IN GENERAL.—Subject to
7 subparagraph (B) and section 103(g), an eligi-
8 ble employee shall be entitled to leave under
9 this paragraph to—

10 “(i) participate in or attend an activ-
11 ity that is sponsored by a school or com-
12 munity organization and relates to a pro-
13 gram of the school or organization that is
14 attended by a son or daughter or a grand-
15 child of the employee; or

16 “(ii) meet routine family medical care
17 needs (including by attending medical and
18 dental appointments of the employee or a
19 son or daughter, spouse, or grandchild of
20 the employee) or attend to the care needs
21 of an elderly individual who is related to
22 the employee through a relationship de-
23 scribed in section 102(a) (including by
24 making visits to nursing homes or group
25 homes).

1 “(B) LIMITATIONS.—

2 “(i) IN GENERAL.—An eligible em-
3 ployee shall be entitled to—

4 “(I) not to exceed 4 hours of
5 leave under this paragraph during any
6 30-day period; and

7 “(II) not to exceed 24 hours of
8 leave under this paragraph during any
9 12-month period described in para-
10 graph (4).

11 “(ii) COORDINATION RULE.—Leave
12 under this paragraph shall be in addition
13 to any leave provided under any other
14 paragraph of this subsection.

15 “(C) DEFINITIONS.—As used in this para-
16 graph:

17 “(i) COMMUNITY ORGANIZATION.—
18 The term ‘community organization’ means
19 a private nonprofit organization that is
20 representative of a community or a signifi-
21 cant segment of a community and provides
22 activities for individuals described in sec-
23 tion 101(12), such as a scouting or sports
24 organization.

1 “(ii) SCHOOL.—The term ‘school’
2 means an elementary school or secondary
3 school (as such terms are defined in sec-
4 tion 8101 of the Elementary and Sec-
5 ondary Education Act of 1965 (20 U.S.C.
6 7801)), a Head Start program assisted
7 under the Head Start Act (42 U.S.C. 9831
8 et seq.), and a child care facility licensed
9 under State law.”.

10 (b) SCHEDULE.—Section 102(b)(1) of such Act (29
11 U.S.C. 2612(b)(1)) is amended by inserting after the third
12 sentence the following new sentence: “Subject to sub-
13 section (e)(4) and section 103(g), leave under subsection
14 (a)(5) may be taken intermittently or on a reduced leave
15 schedule.”.

16 (c) SUBSTITUTION OF PAID LEAVE.—Section
17 102(d)(2) of such Act (29 U.S.C. 2612(d)(2)) is amended
18 by adding at the end the following new subparagraph:

19 “(C) PARENTAL INVOLVEMENT LEAVE AND
20 FAMILY WELLNESS LEAVE.—

21 “(i) VACATION LEAVE; PERSONAL
22 LEAVE; FAMILY LEAVE.—An eligible em-
23 ployee may elect, or an employer may re-
24 quire the employee, to substitute any of
25 the accrued paid vacation leave, personal

1 leave, or family leave of the employee for
2 any part of the period of leave under sub-
3 section (a)(5).

4 “(ii) MEDICAL OR SICK LEAVE.—An
5 eligible employee may elect, or an employer
6 may require the employee, to substitute
7 any of the accrued paid medical or sick
8 leave of the employee for any part of the
9 period of leave provided under clause (ii) of
10 subsection (a)(5)(A), except that nothing
11 in this title shall require an employer to
12 provide paid sick leave or paid medical
13 leave in any situation in which such em-
14 ployer would not normally provide any
15 such paid leave.

16 “(iii) PROHIBITION ON RESTRICTIONS
17 AND LIMITATIONS.—If the employee elects
18 or the employer requires the substitution
19 of accrued paid leave for leave under sub-
20 section (a)(5), the employer shall not re-
21 strict or limit the leave that may be sub-
22 stituted or impose any additional terms
23 and conditions on the substitution of such
24 leave that are more stringent for the em-

1 ployee than the terms and conditions set
2 forth in this Act.”.

3 (d) NOTICE.—Section 102(e) of such Act (29 U.S.C.
4 2612(e)), as amended by section 2(b), is further amended
5 by adding at the end the following new paragraph:

6 “(4) NOTICE RELATING TO PARENTAL IN-
7 VOLVEMENT AND FAMILY WELLNESS LEAVE.—In
8 any case in which an employee requests leave under
9 paragraph (5) of subsection (a), the employee
10 shall—

11 “(A) provide the employer with not less
12 than 7 days’ notice, or (if such notice is imprac-
13 ticable) such notice as is practicable, before the
14 date the leave is to begin, of the employee’s in-
15 tention to take leave under such paragraph; and

16 “(B) in the case of leave to be taken under
17 subsection (a)(5)(A)(ii), make a reasonable ef-
18 fort to schedule the activity or care involved so
19 as not to disrupt unduly the operations of the
20 employer, subject to the approval of the health
21 care provider involved (if any).”.

22 (e) CERTIFICATION.—Section 103 of such Act (29
23 U.S.C. 2613) is amended by adding at the end the fol-
24 lowing new subsection:

1 “(g) CERTIFICATION RELATED TO PARENTAL IN-
 2 VOLVEMENT AND FAMILY WELLNESS LEAVE.—An em-
 3 ployer may require that a request for leave under section
 4 102(a)(5) be supported by a certification issued at such
 5 time and in such manner as the Secretary may by regula-
 6 tion prescribe.”.

7 **SEC. 5. ENTITLEMENT OF FEDERAL EMPLOYEES TO LEAVE**
 8 **FOR PARENTAL INVOLVEMENT AND FAMILY**
 9 **WELLNESS.**

10 (a) LEAVE REQUIREMENT.—Section 6382(a) of title
 11 5, United States Code, as amended by section 3(b), is fur-
 12 ther amended by adding at the end the following new para-
 13 graph:

14 “(5)(A) Subject to subparagraph (B) and section
 15 6383(f), an employee shall be entitled to leave under this
 16 paragraph to—

17 “(i) participate in or attend an activity that is
 18 sponsored by a school or community organization
 19 and relates to a program of the school or organiza-
 20 tion that is attended by a son or daughter or a
 21 grandchild of the employee; or

22 “(ii) meet routine family medical care needs
 23 (including by attending medical and dental appoint-
 24 ments of the employee or a son or daughter, spouse,
 25 or grandchild of the employee) or to attend to the

1 care needs of an elderly individual who is related to
2 the employee through a relationship described in sec-
3 tion 6382(a) (including by making visits to nursing
4 homes and group homes).

5 “(B)(i) An employee is entitled to—

6 “(I) not to exceed 4 hours of leave under this
7 paragraph during any 30-day period; and

8 “(II) not to exceed 24 hours of leave under this
9 paragraph during any 12-month period described in
10 paragraph (4).

11 “(ii) Leave under this paragraph shall be in addition
12 to any leave provided under any other paragraph of this
13 subsection.

14 “(C) For the purpose of this paragraph—

15 “(i) the term ‘community organization’ means a
16 private nonprofit organization that is representative
17 of a community or a significant segment of a com-
18 munity and provides activities for individuals de-
19 scribed in section 6381(6), such as a scouting or
20 sports organization; and

21 “(ii) the term ‘school’ means an elementary
22 school or secondary school (as such terms are de-
23 fined in section 8101 of the Elementary and Sec-
24 ondary Education Act of 1965 (20 U.S.C. 7801)), a
25 Head Start program assisted under the Head Start

1 Act (42 U.S.C. 9831 et seq.), and a child care facil-
2 ity licensed under State law.”.

3 (b) SCHEDULE.—Section 6382(b)(1) of such title is
4 amended—

5 (1) by inserting after the third sentence the fol-
6 lowing new sentence: “Subject to subsection (e)(4)
7 and section 6383(f), leave under subsection (a)(5)
8 may be taken intermittently or on a reduced leave
9 schedule.”; and

10 (2) in the last sentence, by striking “involved,”
11 and inserting “involved (or, in the case of leave
12 under subsection (a)(5), for purposes of the 30-day
13 or 12-month period involved),”.

14 (c) SUBSTITUTION OF PAID LEAVE.—Section
15 6382(d) of such title is amended—

16 (1) by inserting “(1)” after the subsection des-
17 ignation; and

18 (2) by adding at the end the following:

19 “(2) An employee may elect, or an employer may re-
20 quire the employee, to substitute for any part of the period
21 of leave under subsection (a)(5), any of the employee’s ac-
22 crued or accumulated annual or sick leave under sub-
23 chapter I. If the employee elects or the employer requires
24 the substitution of that accrued or accumulated annual or
25 sick leave for leave under subsection (a)(5), the employing

1 agency shall not restrict or limit the leave that may be
2 substituted or impose any additional terms and conditions
3 on the substitution of such leave that are more stringent
4 for the employee than the terms and conditions set forth
5 in this subchapter.”.

6 (d) NOTICE.—Section 6382(e) of such title, as
7 amended by section 3(b)(2), is further amended by adding
8 at the end the following new paragraph:

9 “(4) In any case in which an employee requests leave
10 under paragraph (5) of subsection (a), the employee
11 shall—

12 “(A) provide the employing agency with not less
13 than 7 days’ notice, or (if such notice is impracti-
14 cable) such notice as is practicable, before the date
15 the leave is to begin, of the employee’s intention to
16 take leave under such paragraph; and

17 “(B) in the case of leave to be taken under sub-
18 section (a)(5)(A)(ii), make a reasonable effort to
19 schedule the activity or care involved so as not to
20 disrupt unduly the operations of the employing agen-
21 cy, subject to the approval of the health care pro-
22 vider involved (if any).”.

1 (e) CERTIFICATION.—Section 6383(f) of such title is
2 amended by striking “paragraph (1)(E) or (3) of” and
3 inserting “paragraph (1)(E), (3) or (5) of”.

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