

117TH CONGRESS
1ST SESSION

S. 1185

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

APRIL 15, 2021

Mr. DURBIN (for himself, Mr. BLUMENTHAL, Ms. DUCKWORTH, Mr. LEAHY, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Family Medical Leave
3 Modernization Act”.

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

9 (a) DEFINITIONS.—

10 (1) INCLUSION OF RELATED INDIVIDUALS.—

11 Section 101 of the Family and Medical Leave Act of
12 1993 (29 U.S.C. 2611) is amended by adding at the
13 end the following:

14 “(20) ANY OTHER INDIVIDUAL RELATED BY
15 BLOOD WHOSE CLOSE ASSOCIATION IS THE EQUIVA-
16 LENT OF A FAMILY RELATIONSHIP.—The term ‘any
17 other individual related by blood whose close associa-
18 tion is the equivalent of a family relationship’, used
19 with respect to an employee, means any person with
20 whom the employee has a significant personal bond
21 that is or is like a family relationship, regardless of
22 biological or legal relationship.

23 “(21) DOMESTIC PARTNER.—The term ‘domes-
24 tic partner’, used with respect to an employee,
25 means—

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

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

13 “(22) GRANDCHILD.—The term ‘grandchild’
14 means the son or daughter of an employee’s son or
15 daughter.

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

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

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

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

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

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

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

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

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

22 (b) LEAVE REQUIREMENT.—Section 102 of the Fam-
23 ily and Medical Leave Act of 1993 (29 U.S.C. 2612) is
24 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 whose close association is
12 the equivalent of a family relationship with
13 the employee, if such spouse, domestic
14 partner, son or daughter, son-in-law,
15 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 whose
2 close association is the equivalent of a fam-
3 ily relationship with the employee”; and

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

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

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

11 (3) in subsection (f)—

12 (A) in paragraph (1)—

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

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

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

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

24 (1) in subsection (a), by striking “son, daugh-
 25 ter, spouse, or parent of the employee, or of the next

1 of kin of an individual in the case of leave taken
 2 under such paragraph (3), as appropriate” and in-
 3 serting “son or daughter, son-in-law, daughter-in-
 4 law, spouse or domestic partner, parent, parent-in-
 5 law, grandparent, grandchild, sibling, uncle or aunt,
 6 or nephew or niece of the employee, or the next of
 7 kin of an individual, or any other individual related
 8 by blood whose close association is the equivalent of
 9 a family relationship with the employee, as appro-
 10 priate”; and

11 (2) in subsection (b)—

12 (A) in paragraph (4)(A), by striking “son,
 13 daughter, spouse, or parent and an estimate of
 14 the amount of time that such employee is need-
 15 ed to care for the son, daughter, spouse, or par-
 16 ent” 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 of the employee, or any other individual related
 21 by blood whose close association is the equiva-
 22 lent of a family relationship with the employee,
 23 as appropriate, and an estimate of the amount
 24 of time that such employee is needed to care for
 25 such son or daughter, son-in-law, daughter-in-

1 law, spouse or domestic partner, parent, parent-
 2 in-law, grandparent, grandchild, sibling, uncle
 3 or aunt, or nephew or niece, or such other indi-
 4 vidual”; and

5 (B) in paragraph (7), by striking “son,
 6 daughter, parent, or spouse who has a serious
 7 health condition, or will assist in their recov-
 8 ery,” and inserting “son or daughter, son-in-
 9 law, daughter-in-law, spouse or domestic part-
 10 ner, parent, parent-in-law, grandparent, grand-
 11 child, sibling, uncle or aunt, or nephew or niece,
 12 with a serious health condition, of the employee,
 13 or an individual, with a serious health condi-
 14 tion, who is any other individual related by
 15 blood whose close association is the equivalent
 16 of a family relationship with the employee, as
 17 appropriate, or will assist in the recovery,”.

18 (d) EMPLOYMENT AND BENEFITS PROTECTION.—

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

21 (1) in subparagraph (A)(i), by striking “son,
 22 daughter, spouse, or parent of the employee, as ap-
 23 propriate,” and inserting “son or daughter, son-in-
 24 law, daughter-in-law, spouse or domestic partner,
 25 parent, parent-in-law, grandparent, grandchild, sib-

ling, uncle or aunt, or nephew or niece of the employee, or any other individual related by blood whose close association is the equivalent of a family relationship with the employee, as appropriate,”; and

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

SEC. 3. LEAVE TO CARE FOR A DOMESTIC PARTNER, SON-IN-LAW, DAUGHTER-IN-LAW, PARENT-IN-LAW, ADULT CHILD, GRANDPARENT, GRANDCHILD, OR SIBLING OF THE EMPLOYEE, OR ANOTHER RELATED INDIVIDUAL FOR FEDERAL EMPLOYEES.

(a) DEFINITIONS.—

(1) INCLUSION OF A DOMESTIC PARTNER, SON-IN-LAW, DAUGHTER-IN-LAW, PARENT-IN-LAW, ADULT CHILD, GRANDPARENT, GRANDCHILD, OR SIBLING OF THE EMPLOYEE, OR ANOTHER INDIVIDUAL RE-

1 LATED BY BLOOD.—Section 6381 of title 5, United
2 States Code, is amended—

3 (A) in paragraph (11) by striking “; and”
4 and inserting a semicolon;

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

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

8 “(13) the term ‘any other individual related by
9 blood whose close association is the equivalent of a
10 family relationship’, used with respect to an em-
11 ployee, means any person with whom the employee
12 has a significant personal bond that is or is like a
13 family relationship, regardless of biological or legal
14 relationship;

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

17 “(A) the person recognized as the domestic
18 partner of the employee under any domestic
19 partnership or civil union law of a State or po-
20 litical subdivision of a State; or

21 “(B) in the case of an unmarried em-
22 ployee, an unmarried adult person who is in a
23 committed, personal relationship with the em-
24 ployee, is not a domestic partner as described
25 in subparagraph (A) or in such a relationship

1 with any other person, and who is designated to
2 the employing agency by such employee as that
3 employee's domestic partner;

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

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

8 “(17) the terms ‘nephew’ and ‘niece’, used with
9 respect to an employee, mean a son or daughter of
10 the employee's sibling;

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

13 “(19) the term ‘sibling’ means any person who
14 is a son or daughter of an employee's parent (other
15 than the employee);

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

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

23 “(22) the terms ‘uncle’ and ‘aunt’, used with
24 respect to an employee, mean the son or daughter,

1 as the case may be, of the employee’s grandparent
 2 (other than the employee’s parent).”.

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

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

8 (B) by striking “who is—” and all that
 9 follows and inserting “and includes an adult
 10 child”.

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

13 (1) in subsection (a)—

14 (A) in paragraph (1)—

15 (i) in subparagraph (C), by striking
 16 “spouse, or a son, daughter, or parent, of
 17 the employee, if such spouse, son, daugh-
 18 ter, or parent” and inserting “spouse or
 19 domestic partner, or a son or daughter,
 20 son-in-law, daughter-in-law, parent, par-
 21 ent-in-law, grandparent, grandchild, sib-
 22 ling, uncle or aunt, or nephew or niece of
 23 the employee, or any other individual re-
 24 lated by blood whose close association with
 25 the employee is the equivalent of a family

relationship, if such spouse, domestic partner, son or daughter, son-in-law, daughter-in-law, parent, parent-in-law, grandparent, grandchild, sibling, uncle or aunt, or nephew or niece, or such other individual”; and

(ii) in subparagraph (E), by striking “spouse, or a son, daughter, or parent of the employee” and inserting “spouse or domestic partner, or a son or daughter, son-in-law, daughter-in-law, parent, parent-in-law, grandchild, sibling, uncle or aunt, or nephew or niece of the employee, or any other individual related by blood whose close association is the equivalent of a family relationship with the employee”; and

(B) in paragraph (3), by striking “spouse, son, daughter, parent, or next of kin of a covered servicemember” and inserting “spouse or domestic partner, son or daughter, son-in-law, daughter-in-law, parent, parent-in-law, grandparent, sibling, uncle or aunt, nephew or niece, or next of kin of a covered servicemember, or any other individual related by blood whose close association is the equivalent of a family

1 relationship with the covered servicemember”;
2 and
3 (2) in subsection (e)—

4 (A) in paragraph (2)(A), by striking “son,
5 daughter, spouse, parent, or covered service-
6 member of the employee, as appropriate” and
7 inserting “son or daughter, son-in-law, daugh-
8 ter-in-law, spouse or domestic partner, parent,
9 parent-in-law, grandparent, grandchild, sibling,
10 uncle or aunt, nephew or niece, or covered serv-
11 icemember of the employee, or any other indi-
12 vidual related by blood whose close association
13 is the equivalent of a family relationship with
14 the employee, as appropriate”; and

15 (B) in paragraph (3), by striking “spouse,
16 or a son, daughter, or parent, of the employee”
17 and inserting “spouse or domestic partner, or a
18 son or daughter, son-in-law, daughter-in-law,
19 parent, parent-in-law, grandchild, sibling, uncle
20 or aunt, or nephew or niece of the employee, or
21 any other individual related by blood whose
22 close association is the equivalent of a family
23 relationship with the employee, as appro-
24 priate,”.

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

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

12 (2) in subsection (b)(4)(A), by striking “son,
13 daughter, spouse, or parent, and an estimate of the
14 amount of time that such employee is needed to care
15 for such son, daughter, spouse, or parent” and in-
16 serting “son or daughter, son-in-law, daughter-in-
17 law, spouse or domestic partner, parent, parent-in-
18 law, grandparent, grandchild, sibling, uncle or aunt,
19 or nephew or niece of the employee, or any other in-
20 dividual related by blood whose close association is
21 the equivalent of a family relationship with the em-
22 ployee, as appropriate, and an estimate of the
23 amount of time that such employee is needed to care
24 for such son or daughter, son-in-law, daughter-in-
25 law, spouse or domestic partner, parent, parent-in-

1 law, grandparent, grandchild, sibling, uncle or aunt,
 2 or nephew or niece, or such other individual”.

3 **SEC. 4. ENTITLEMENT TO ADDITIONAL LEAVE UNDER THE**
 4 **FMLA FOR PARENTAL INVOLVEMENT AND**
 5 **FAMILY WELLNESS.**

6 (a) LEAVE REQUIREMENT.—Section 102(a) of the
 7 Family and Medical Leave Act of 1993 (29 U.S.C.
 8 2612(a)), as amended by section 2(b), is further amend-
 9 ed—

10 (1) by redesignating paragraph (5) as para-
 11 graph (6); and

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

14 “(5) ENTITLEMENT TO ADDITIONAL LEAVE FOR
 15 PARENTAL INVOLVEMENT AND FAMILY
 16 WELLNESS.—

17 “(A) IN GENERAL.—Subject to
 18 subparagraph (B) and section 103(g), an eligi-
 19 ble employee shall be entitled to leave under
 20 this paragraph to—

21 “(i) participate in or attend an activ-
 22 ity that is sponsored by a school or com-
 23 munity organization and relates to a pro-
 24 gram of the school or organization that is

1 attended by a son or daughter or a grand-
 2 child of the employee; or

3 “(ii) meet routine family medical care
 4 needs (including by attending medical and
 5 dental appointments of the employee or a
 6 son or daughter, spouse, or grandchild of
 7 the employee) or attend to the care needs
 8 of an elderly individual who is related to
 9 the employee through a relationship de-
 10 scribed in section 102(a) (including by
 11 making visits to nursing homes or group
 12 homes).

13 “(B) LIMITATIONS.—

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

16 “(I) not to exceed 4 hours of
 17 leave under this paragraph during any
 18 30-day period; and

19 “(II) not to exceed 24 hours of
 20 leave under this paragraph during any
 21 12-month period described in para-
 22 graph (4).

23 “(ii) COORDINATION RULE.—Leave
 24 under this paragraph shall be in addition

1 to any leave provided under any other
 2 paragraph of this subsection.

3 “(C) DEFINITIONS.—As used in this para-
 4 graph:

5 “(i) COMMUNITY ORGANIZATION.—
 6 The term ‘community organization’ means
 7 a private nonprofit organization that is
 8 representative of a community or a signifi-
 9 cant segment of a community and provides
 10 activities for individuals described in sec-
 11 tion 101(12), such as a scouting or sports
 12 organization.

13 “(ii) SCHOOL.—The term ‘school’
 14 means an elementary school or secondary
 15 school (as such terms are defined in sec-
 16 tion 8101 of the Elementary and Sec-
 17 ondary Education Act of 1965 (20 U.S.C.
 18 7801)), a Head Start program assisted
 19 under the Head Start Act (42 U.S.C. 9831
 20 et seq.), and a child care facility licensed
 21 under State law.”.

22 (b) SCHEDULE.—Section 102(b)(1) of such Act (29
 23 U.S.C. 2612(b)(1)) is amended by inserting after the third
 24 sentence the following new sentence: “Subject to sub-
 25 section (e)(4) and section 103(g), leave under subsection

1 (a)(5) may be taken intermittently or on a reduced leave
 2 schedule.”.

3 (c) SUBSTITUTION OF PAID LEAVE.—Section
 4 102(d)(2) of such Act (29 U.S.C. 2612(d)(2)) is amended
 5 by adding at the end the following new subparagraph:

6 “(C) PARENTAL INVOLVEMENT LEAVE AND
 7 FAMILY WELLNESS LEAVE.—

8 “(i) VACATION LEAVE; PERSONAL
 9 LEAVE; FAMILY LEAVE.—An eligible em-
 10 ployee may elect, or an employer may re-
 11 quire the employee, to substitute any of
 12 the accrued paid vacation leave, personal
 13 leave, or family leave of the employee for
 14 any part of the period of leave under sub-
 15 section (a)(5).

16 “(ii) MEDICAL OR SICK LEAVE.—An
 17 eligible employee may elect, or an employer
 18 may require the employee, to substitute
 19 any of the accrued paid medical or sick
 20 leave of the employee for any part of the
 21 period of leave provided under clause (ii) of
 22 subsection (a)(5)(A), except that nothing
 23 in this title shall require an employer to
 24 provide paid sick leave or paid medical
 25 leave in any situation in which such em-

1 ployer would not normally provide any
2 such paid leave.

3 “(iii) PROHIBITION ON RESTRICTIONS
4 AND LIMITATIONS.—If the employee elects
5 or the employer requires the substitution
6 of accrued paid leave for leave under sub-
7 section (a)(5), the employer shall not re-
8 strict or limit the leave that may be sub-
9 stituted or impose any additional terms
10 and conditions on the substitution of such
11 leave that are more stringent for the em-
12 ployee than the terms and conditions set
13 forth in this Act.”.

14 (d) NOTICE.—Section 102(e) of such Act (29 U.S.C.
15 2612(e)), as amended by section 2(b), is further amended
16 by adding at the end the following new paragraph:

17 “(4) NOTICE RELATING TO PARENTAL IN-
18 VOLVEMENT AND FAMILY WELLNESS LEAVE.—In
19 any case in which an employee requests leave under
20 paragraph (5) of subsection (a), the employee
21 shall—

22 “(A) provide the employer with not less
23 than 7 days’ notice, or (if such notice is imprac-
24 ticable) such notice as is practicable, before the

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

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

“(g) CERTIFICATION RELATED TO PARENTAL INVOLVEMENT AND FAMILY WELLNESS LEAVE.—An employer may require that a request for leave under section 102(a)(5) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.”.

18 **SEC. 5. ENTITLEMENT OF FEDERAL EMPLOYEES TO LEAVE**
19 **FOR PARENTAL INVOLVEMENT AND FAMILY**
20 **WELLNESS.**

(a) LEAVE REQUIREMENT.—Section 6382(a) of title 5, United States Code, as amended by section 3(b), is further amended by adding at the end the following new paragraph:

1 “(5)(A) Subject to subparagraph (B) and section
2 6383(f), an employee shall be entitled to leave under this
3 paragraph to—

4 “(i) participate in or attend an activity that is
5 sponsored by a school or community organization
6 and relates to a program of the school or organiza-
7 tion that is attended by a son or daughter or a
8 grandchild of the employee; or

9 “(ii) meet routine family medical care needs
10 (including by attending medical and dental appoint-
11 ments of the employee or a son or daughter, spouse,
12 or grandchild of the employee) or to attend to the
13 care needs of an elderly individual who is related to
14 the employee through a relationship described in sec-
15 tion 6382(a) (including by making visits to nursing
16 homes and group homes).

17 “(B)(i) An employee is entitled to—

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

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

23 “(ii) Leave under this paragraph shall be in addition
24 to any leave provided under any other paragraph of this
25 subsection.

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

2 “(i) the term ‘community organization’ means a
3 private nonprofit organization that is representative
4 of a community or a significant segment of a com-
5 munity and provides activities for individuals de-
6 scribed in section 6381(6), such as a scouting or
7 sports organization; and

8 “(ii) the term ‘school’ means an elementary
9 school or secondary school (as such terms are de-
10 fined in section 8101 of the Elementary and Sec-
11 ondary Education Act of 1965 (20 U.S.C. 7801)), a
12 Head Start program assisted under the Head Start
13 Act (42 U.S.C. 9831 et seq.), and a child care facil-
14 ity licensed under State law.”.

15 (b) SCHEDULE.—Section 6382(b)(1) of such title is
16 amended—

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

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

1 (c) SUBSTITUTION OF PAID LEAVE.—Section
2 6382(d) of such title is amended by adding at the end
3 the following:

4 “(3) An employee may elect to substitute for any part
5 of the period of leave under subsection (a)(5), any of the
6 employee’s accrued or accumulated annual or sick leave.
7 If the employee elects the substitution of that accrued or
8 accumulated annual or sick leave for leave under sub-
9 section (a)(5), the employing agency shall not restrict or
10 limit the leave that may be substituted or impose any addi-
11 tional terms and conditions on the substitution of such
12 leave that are more stringent for the employee than the
13 terms and conditions set forth in this subchapter.”.

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

17 “(4) In any case in which an employee requests leave
18 under paragraph (5) of subsection (a), the employee
19 shall—

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

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

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

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