

110TH CONGRESS  
2D SESSION

# H. R. 7233

To amend the Family and Medical Leave Act of 1993 to allow employees to take, as additional leave, parental involvement leave to participate in or attend their children's and grandchildren's educational and extra-curricular activities and to clarify that leave may be taken for routine family medical needs and to assist elderly relatives, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2008

Mrs. MALONEY of New York (for herself, Mr. GEORGE MILLER of California, Mr. McDERMOTT, Mr. HASTINGS of Florida, Mr. AL GREEN of Texas, and Ms. JACKSON-LEE of Texas) introduced the following bill; which was referred to the Committee on Education and Labor, 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

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## A BILL

To amend the Family and Medical Leave Act of 1993 to allow employees to take, as additional leave, parental involvement leave to participate in or attend their children's and grandchildren's educational and extra-curricular activities and to clarify that leave may be taken for routine family medical needs and to assist elderly relatives, 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 “Family and Medical  
5 Leave Enhancement Act of 2008”.

6 **SEC. 2. ELIGIBLE EMPLOYEE.**

7       Section 101(2)(B)(ii) of the Family and Medical  
8 Leave Act of 1993 (29 U.S.C. 2611(2)(B)(ii)) is amended  
9 by striking “less than 50” each place it appears and in-  
10 sserting “fewer than 25”.

11 **SEC. 3. ENTITLEMENT TO ADDITIONAL LEAVE FOR PAREN-**  
12 **TAL INVOLVEMENT.**

13       (a) LEAVE REQUIREMENT.—Section 102(a) of the  
14 Family and Medical Leave Act of 1993 (29 U.S.C.  
15 2612(a)) is amended by adding at the end the following  
16 new paragraph:

17               “(5) ENTITLEMENT TO ADDITIONAL LEAVE FOR  
18 PARENTAL INVOLVEMENT.—

19                       “(A) IN GENERAL.—Subject to subpara-  
20 graph (B) and section 103(g), an eligible em-  
21 ployee shall be entitled to leave under this para-  
22 graph to participate in or attend an activity  
23 that—

24                               “(i) is sponsored by a school or com-  
25 munity organization; and

1           “(ii) relates to a program of the  
2 school or organization that is attended by  
3 a son or daughter or a grandchild of the  
4 employee.

5           “(B) LIMITATIONS.—

6           “(i) IN GENERAL.—An eligible em-  
7 ployee is entitled to—

8                   “(I) not to exceed 4 hours of  
9 leave under this paragraph during any  
10 30-day period; and

11                   “(II) not to exceed 24 hours of  
12 leave under this paragraph during any  
13 12-month period.

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

18           “(C) DEFINITIONS.—As used in this para-  
19 graph:

20           “(i) SCHOOL.—The term ‘school’  
21 means an elementary school or secondary  
22 school (as such terms are defined in sec-  
23 tion 9101 of the Elementary and Sec-  
24 ondary Education Act of 1965 (20 U.S.C.  
25 7801)), a Head Start program assisted

1 under the Head Start Act (42 U.S.C. 9831  
2 et seq.), and a child care facility licensed  
3 under State law.

4 “(ii) COMMUNITY ORGANIZATION.—

5 The term ‘community organization’ means  
6 a private nonprofit organization that is  
7 representative of a community or a signifi-  
8 cant segment of a community and provides  
9 activities for individuals described in sub-  
10 paragraph (A) or (B) of section 101(12),  
11 such as a scouting or sports organiza-  
12 tion.”.

13 (b) SCHEDULE.—Section 102(b)(1) of such Act (29  
14 U.S.C. 2612(b)(1)) is amended by inserting after the third  
15 sentence the following new sentence: “Leave under sub-  
16 section (a)(5) may be taken intermittently or on a reduced  
17 leave schedule.”.

18 (c) SUBSTITUTION OF PAID LEAVE.—Section  
19 102(d)(2) of such Act (29 U.S.C. 2612(d)(2)) is amended  
20 by adding at the end the following new subparagraph:

21 “(C) PARENTAL INVOLVEMENT LEAVE.—

22 An eligible employee may elect, or an employer  
23 may require the employee, to substitute any of  
24 the accrued paid vacation leave, personal leave,

1           or family leave of the employee for any leave  
2           under subsection (a)(5).”.

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

6           “(4) NOTICE RELATING TO PARENTAL IN-  
7 VOLVEMENT LEAVE.—In any case in which an em-  
8 ployee requests leave under paragraph (5) of sub-  
9 section (a), the employee shall provide the employer  
10 with not less than 7 days’ notice, before the date the  
11 leave is to be taken, of the employee’s intention to  
12 take leave under such paragraph.”.

13           (e) SPOUSES EMPLOYED BY THE SAME EM-  
14 PLOYER.—Section 102(f) of such Act (29 U.S.C. 2612(f))  
15 is amended by adding at the end the following new para-  
16 graph:

17           “(3) PARENTAL INVOLVEMENT LEAVE.—In any  
18 case in which a husband and wife entitled to leave  
19 under paragraph (5) of subsection (a) are employed  
20 by the same employer, the aggregate amount of  
21 leave to which both may be entitled under such para-  
22 graph may be limited to—

23           “(A) 4 hours during the same 30-day pe-  
24           riod; and

1                   “(B) 24 hours during the same 12-month  
2                   period.”.

3           (f) CERTIFICATION.—Section 103 of such Act (29  
4 U.S.C. 2613) is amended by adding at the end the fol-  
5 lowing new subsection:

6           “(g) CERTIFICATION RELATED TO PARENTAL IN-  
7 VOLVEMENT LEAVE.—An employer may require that a re-  
8 quest for leave under section 102(a)(5) be supported by  
9 a certification issued at such time and in such manner  
10 as the Secretary may by regulation prescribe.”.

11 **SEC. 4. ENTITLEMENT OF FEDERAL EMPLOYEES TO LEAVE**  
12 **FOR PARENTAL INVOLVEMENT.**

13           (a) LEAVE REQUIREMENT.—Section 6382(a) of title  
14 5, United States Code, is amended by adding at the end  
15 the following new paragraph:

16           “(5)(A) Subject to subparagraph (B)(i) and section  
17 6383(f), an employee shall be entitled to leave under this  
18 paragraph to participate in or attend an activity that—

19                   “(i) is sponsored by a school or community or-  
20                   ganization; and

21                   “(ii) relates to a program of the school or orga-  
22                   nization that is attended by a son or daughter or a  
23                   grandchild of the employee.

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

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

3           “(II) not to exceed 24 hours of leave under this  
4 paragraph during any 12-month period.

5           “(ii) Leave under this paragraph shall be in addition  
6 to any leave provided under any other paragraph of this  
7 subsection.

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

9           “(i) the term ‘school’ means an elementary  
10 school or secondary school (as such terms are de-  
11 fined in section 9101 of the Elementary and Sec-  
12 ondary Education Act of 1965), a Head Start pro-  
13 gram assisted under the Head Start Act, and a child  
14 care facility licensed under State law; and

15           “(ii) the term ‘community organization’ means  
16 a private nonprofit organization that is representa-  
17 tive of a community or a significant segment of a  
18 community and provides activities for individuals de-  
19 scribed in subparagraph (A) or (B) of section  
20 6381(6), such as a scouting or sports organization.”.

21           (b) SCHEDULE.—Section 6382(b)(1) of such title is  
22 amended—

23           (1) by inserting after the second sentence the  
24 following new sentence: “Leave under subsection

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

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

7 (c) SUBSTITUTION OF PAID LEAVE.—Section  
8 6382(d) of such title is amended by adding at the end  
9 the following new sentence: “An employee may elect to  
10 substitute for leave under subsection (a)(5), any of the  
11 employee’s accrued or accumulated annual leave under  
12 subchapter I.”.

13 (d) NOTICE.—Section 6382(e) of such title is amend-  
14 ed by adding at the end the following new paragraph:

15 “(3) In any case in which an employee requests leave  
16 under paragraph (5) of subsection (a), the employee shall  
17 provide the employing agency with not less than 7 days’  
18 notice, before the date the leave is to be taken, of the em-  
19 ployee’s intention to take leave under such paragraph.”.

20 (e) CERTIFICATION.—Section 6383(f) of such title is  
21 amended by striking “6382(a)(3)” and inserting “para-  
22 graph (3) or (5) of section 6382(a)”.

23 **SEC. 5. CLARIFICATION OF ENTITLEMENT TO LEAVE.**

24 (a) IN GENERAL.—

1           (1) FAMILY AND MEDICAL LEAVE ACT OF  
2           1993.—Section 102(a)(1) of the Family and Medical  
3           Leave Act of 1993 (29 U.S.C. 2612(a)(1)) is amend-  
4           ed by adding at the end the following new subpara-  
5           graphs:

6                   “(F) In order to meet routine family med-  
7                   ical care needs, including transportation of a  
8                   son, daughter, or grandchild for medical and  
9                   dental appointments for annual checkups and  
10                  vaccinations.

11                  “(G) In order to meet the routine family  
12                  medical care needs of elderly individuals who  
13                  are related to the eligible employee, including  
14                  visits to nursing homes and group homes.”.

15           (2) TITLE 5.—Section 6382(a)(1) of title 5,  
16           United States Code, is amended by adding at the  
17           end the following new subparagraphs:

18                   “(E) In order to meet routine family medical  
19                   care needs, including transportation of a son, daugh-  
20                   ter, or grandchild for medical and dental appoint-  
21                   ments for annual checkups and vaccinations.

22                   “(F) In order to meet the routine family med-  
23                   ical care needs of elderly individuals who are related  
24                   to the employee, including visits to nursing homes  
25                   and group homes.”.

1 (b) SCHEDULE.—

2 (1) FAMILY AND MEDICAL LEAVE ACT OF  
3 1993.—The first sentence of section 102(b)(1) of  
4 such Act (29 U.S.C. 2612(b)(1)) is amended by  
5 striking “subparagraph (A) or (B)” and inserting  
6 “subparagraph (A), (B), (F), or (G)”.

7 (2) TITLE 5.—The first sentence of section  
8 6382(b)(1) of such title is amended by striking  
9 “subparagraph (A) or (B)” and inserting “subpara-  
10 graph (A), (B), (E), or (F)”.

11 (c) SUBSTITUTION OF PAID LEAVE.—

12 (1) FAMILY AND MEDICAL LEAVE ACT OF  
13 1993.—Section 102(d)(2) of such Act (29 U.S.C.  
14 2612(d)(2)) is amended by adding after subpara-  
15 graph (C) (as added by section 3(e)) the following  
16 new subparagraph:

17 “(D) ROUTINE FAMILY MEDICAL CARE  
18 NEEDS.—An eligible employee may elect, or an  
19 employer may require the employee, to sub-  
20 stitute any of the accrued paid vacation leave,  
21 personal leave, or medical or sick leave of the  
22 employee for leave provided under subpara-  
23 graph (F) or (G) of subsection (a)(1) for any  
24 part of the 12-week period of such leave under  
25 such subsection, except that nothing in this title

1 shall require an employer to provide paid sick  
2 leave or paid medical leave in any situation in  
3 which such employer would not normally pro-  
4 vide any such paid leave.”.

5 (2) TITLE 5.—Section 6382(d) of such title is  
6 amended by striking “or (D)” and inserting “(D),  
7 (E), or (F)”.

8 (d) NOTICE.—

9 (1) FAMILY AND MEDICAL LEAVE ACT OF  
10 1993.—Section 102(e) of such Act (29 U.S.C.  
11 2612(e)) is amended by adding after paragraph (4)  
12 (as added by section 3(d)) the following new para-  
13 graph:

14 “(5) ROUTINE FAMILY MEDICAL CARE  
15 NEEDS.—In any case in which the necessity for leave  
16 under subparagraph (F) or (G) of subsection (a)(1)  
17 is foreseeable based on a planned appointment, visit,  
18 or other commitment, the employee—

19 “(A) shall make a reasonable effort to  
20 schedule the leave so as not to disrupt unduly  
21 the operations of the employer, subject to the  
22 approval of the health care provider involved (if  
23 any); and

24 “(B) shall provide the employer with not  
25 less than 30 days’ notice, before the day the

1 leave is to be taken, of the employee’s intention  
2 to take leave under such subparagraph, except  
3 that if the leave is to be taken in less than 30  
4 days, the employee shall provide such notice as  
5 is practicable.”.

6 (2) TITLE 5.—Section 6382(e) of such title is  
7 amended by adding after paragraph (3) (as added  
8 by section 4(d)) the following new paragraph:

9 “(4) In any case in which the necessity for  
10 leave under subparagraph (E) or (F) of subsection  
11 (a)(1) is foreseeable based on a planned appoint-  
12 ment, visit, or other commitment, the employee—

13 “(A) shall make a reasonable effort to  
14 schedule the leave so as not to disrupt unduly  
15 the operations of the employer, subject to the  
16 approval of the health care provider involved (if  
17 any); and

18 “(B) shall provide the employer with not  
19 less than 30 days’ notice, before the day the  
20 leave is to be taken, of the employee’s intention  
21 to take leave under such subparagraph, except  
22 that if the leave is to be taken in less than 30  
23 days, the employee shall provide such notice as  
24 is practicable.”.

1 (e) SPOUSES EMPLOYED BY SAME EMPLOYER.—Sec-  
2 tion 102(f)(1) of the Family and Medical Leave Act of  
3 1993 (29 U.S.C. 2612(f)(1)) is amended by striking “sub-  
4 paragraph (A) or (B)” and inserting “subparagraph (A),  
5 (B), (F), or (G)”.

6 (f) CERTIFICATION.—

7 (1) FAMILY AND MEDICAL LEAVE ACT OF  
8 1993.—Section 103(g) of such Act, as added by sec-  
9 tion 3(f), is amended by striking “102(a)(5)” and  
10 inserting “paragraph (1)(F), (1)(G), or (5) of sec-  
11 tion 102(a)”.

12 (2) TITLE 5.—Section 6383(f) of such title (as  
13 amended by section 4(e)) is further amended by  
14 striking “paragraph (3) or (5)” (as inserted by sec-  
15 tion 4(e)) and inserting the following: “paragraph  
16 (1)(E), (1)(F), (3), or (5)”.

17 **SEC. 6. DEFINITION OF GRANDCHILD.**

18 (a) NON-CIVIL-SERVICE EMPLOYEES.—Section 101  
19 of the Family and Medical Leave Act of 1993 (29 U.S.C.  
20 2611) is amended by adding at the end the following new  
21 paragraph:

22 “(14) GRANDCHILD.—The term ‘grandchild’  
23 means a son or daughter of an employee’s son or  
24 daughter.”.

1 (b) CIVIL SERVICE EMPLOYEES.—Section 6381 of  
2 title 5, United States Code, is amended—

3 (1) in paragraph (10), by striking “and” at the  
4 end;

5 (2) in paragraph (11), by striking the period at  
6 the end and inserting “; and”; and

7 (3) by adding at the end the following new  
8 paragraph:

9 “(12) the term ‘grandchild’ means a son or  
10 daughter of an employee’s son or daughter.”.

○