^{110TH CONGRESS} 2D SESSION S. 3140

To provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 16, 2008

Mr. WEBB (for himself, Mr. WARNER, Mrs. CLINTON, Mr. SCHUMER, Ms. MI-KULSKI, Mr. SANDERS, Mr. CARDIN, Mr. DURBIN, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

- To provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, 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 "Federal Employees
- 5 Paid Parental Leave Act of 2008".

6 SEC. 2. PAID PARENTAL LEAVE UNDER TITLE 5.

7 (a) AMENDMENT TO TITLE 5.—Subsection (d) of sec8 tion 6382 of title 5, United States Code, is amended—

(1) by redesignating such subsection as sub-1 2 section (d)(1); 3 (2) by striking "subparagraph (A), (B), (C), or" and inserting "subparagraph (C) or"; and 4 5 (3) by adding at the end the following: 6 "(2) An employee may elect to substitute for any 7 leave without pay under subparagraph (A) or (B) of sub-8 section (a)(1) any paid leave which is available to such 9 employee for that purpose. 10 "(3) The paid leave that is available to an employee 11 for purposes of paragraph (2) is— "(A) subject to paragraph (6), 4 administrative 12 13 workweeks of paid parental leave under this sub-14 paragraph in connection with the birth or placement 15 involved; and "(B) any annual or sick leave accrued or accu-16 17 mulated by such employee under subchapter I. 18 "(4) Nothing in this subsection shall be considered to require that an employee first use all or any portion 19 20 of the leave described in subparagraph (B) of paragraph 21 (3) before being allowed to use the paid parental leave de-22 scribed in subparagraph (A) of paragraph (3). "(5) Paid parental leave under paragraph (3)(A)— 23

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1	"(A) shall be payable from any appropriation or
2	fund available for salaries or expenses for positions
3	within the employing agency;
4	"(B) shall not be considered to be annual or va-
5	cation leave for purposes of section 5551 or 5552 or
6	for any other purpose; and
7	"(C) if not used by the employee before the end
8	of the 12-month period (as referred to in subsection
9	(a)(1) to which it relates, shall not accumulate for
10	any subsequent use.
11	"(6) The Director of the Office of Personnel Manage-
12	ment—
13	"(A) may promulgate regulations to increase
14	the amount of paid parental leave available to an
15	employee under paragraph (3)(A), to a total of not
16	more than 8 administrative workweeks, based on the
17	consideration of—
18	"(i) the benefits provided to the Federal
19	Government of offering increased paid parental
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	leave, including enhanced recruitment and re-
21	leave, including enhanced recruitment and re- tention of employees;
21 22	
	tention of employees;
22	tention of employees; "(ii) the cost to the Federal Government of

1	"(iii) trends in the private sector and in
2	State and local governments with respect to of-
3	fering paid parental leave;
4	"(iv) the Federal Government's role as a
5	model employer; and
6	"(v) such other factors as the Director
7	considers necessary; and
8	"(B) shall prescribe any regulations necessary
9	to carry out this subsection, including, subject to
10	paragraph (4), the manner in which an employee
11	may designate any day or other period as to which
12	such employee wishes to use paid parental leave de-
13	scribed in paragraph (3)(A).".
14	(b) EFFECTIVE DATE.—The amendment made by
15	this section shall not be effective with respect to any birth
16	or placement occurring before the end of the 6-month pe-
17	riod beginning on the date of the enactment of this Act.
18	SEC. 3. PAID PARENTAL LEAVE FOR CONGRESSIONAL EM-
19	PLOYEES.
20	(a) Amendment to Congressional Account-
21	ABILITY ACT.—Section 202 of the Congressional Account-
22	ability Act of 1995 (2 U.S.C. 1312) is amended—
23	(1) in subsection $(a)(1)$, by adding at the end
24	the following: "In applying section $102(a)(1)(A)$ and

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1	(B) of such Act to covered employees, subsection (d)
2	shall apply.";
3	(2) by redesignating subsections (d) and (e) as
4	subsections (e) and (f), respectively; and
5	(3) by inserting after subsection (c) the fol-
6	lowing:
7	"(d) Special Rule for Paid Parental Leave
8	for Congressional Employees.—
9	"(1) Substitution of paid leave.—A cov-
10	ered employee taking leave without pay under sub-
11	paragraph (A) or (B) of section $102(a)(1)$ of the
12	Family and Medical Leave Act of 1993 (29 U.S.C.
13	2612(a)(1)) may elect to substitute for any such
14	leave any paid leave which is available to such em-
15	ployee for that purpose.
16	"(2) Amount of paid leave.—The paid leave
17	that is available to a covered employee for purposes
18	of paragraph (1) is—
19	"(A) the number of weeks of paid parental
20	leave in connection with the birth or placement
21	involved that correspond to the number of ad-
22	ministrative workweeks of paid parental leave
23	available to Federal employees under section
24	6382(d)(3)(A) of title 5, United States Code;
25	and

1	"(B) any additional paid vacation or sick
2	leave provided by the employing office to such
3	employee.
4	"(3) LIMITATION.—Nothing in this subsection
5	shall be considered to require that a covered em-
6	ployee first use all or any portion of the leave de-
7	scribed in subparagraph (B) of paragraph (2) before
8	being allowed to use paid parental leave described in
9	subparagraph (A) of paragraph (2).
10	"(4) Additional Rules.—Paid parental leave
11	under paragraph (2)(A)—
12	"(A) shall be payable from any appropria-
13	tion or fund available for salaries or expenses
14	for positions within the employing office; and
15	"(B) if not used by the covered employee
16	before the end of the 12-month period (as re-
17	ferred to in section $102(a)(1)$ of the Family and
18	Medical Leave Act of 1993 (29 U.S.C.
19	2612(a)(1)) to which it relates, shall not accu-
20	mulate for any subsequent use.".
21	(b) EFFECTIVE DATE.—The amendments made by
22	this section shall not be effective with respect to any birth
23	or placement occurring before the end of the 6-month pe-

24 riod beginning on the date of the enactment of this Act.

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1	SEC. 4. CONFORMING AMENDMENT TO FAMILY AND MED-
2	ICAL LEAVE ACT FOR GAO AND LIBRARY OF
3	CONGRESS EMPLOYEES.
4	(a) Amendment to Family and Medical Leave
5	Act of 1993.—Section 102(d) of the Family and Medical
6	Leave Act of 1993 (29 U.S.C. 2612(d)) is amended by
7	adding at the end the following:
8	"(3) Special rule for gao and library of
9	CONGRESS EMPLOYEES.—
10	"(A) Substitution of paid leave.—An
11	employee of an employer described in section
12	101(4)(A)(iv) taking leave under subparagraph
13	(A) or (B) of subsection $(a)(1)$ may elect to
14	substitute for any such leave any paid leave
15	which is available to such employee for that
16	purpose.
17	"(B) Amount of paid leave.—The paid
18	leave that is available to an employee of an em-
19	ployer described in section $101(4)(A)(iv)$ for
20	purposes of subparagraph (A) is—

21 "(i) the number of weeks of paid pa22 rental leave in connection with the birth or
23 placement involved that correspond to the
24 number of administrative workweeks of
25 paid parental leave available to Federal

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1	employees under section $6382(d)(3)(A)$ of
2	title 5, United States Code; and
3	"(ii) any additional paid vacation or
4	sick leave provided by such employer.
5	"(C) LIMITATION.—Nothing in this para-
6	graph shall be considered to require that an
7	employee of such an employer first use all or
8	any portion of the leave described in clause (ii)
9	of subparagraph (B) before being allowed to use
10	paid parental leave described in clause (i) of
11	such subparagraph.
12	"(D) ADDITIONAL RULES.—Paid parental
13	leave under subparagraph (B)(i)—
14	"(i) shall be payable from any appro-
15	priation or fund available for salaries or
16	expenses for positions with the employer
17	described in section 101(4)(A)(iv); and
18	"(ii) if not used by the employee of
19	such employer before the end of the 12-
20	month period (as referred to in subsection
21	(a)(1)) to which it relates, shall not accu-
22	mulate for any subsequent use.".
23	(b) EFFECTIVE DATE.—The amendment made by
24	this section shall not be effective with respect to any birth

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1 or placement occurring before the end of the 6-month pe-

2 riod beginning on the date of the enactment of this Act.