

116TH CONGRESS  
1ST SESSION

# S. 559

To amend the Family and Medical Leave Act of 1993 to provide leave because of the death of a son or daughter.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 26, 2019

Mr. TESTER (for himself, Ms. McSALLY, Mr. MARKEY, Mr. BLUMENTHAL, Ms. WARREN, Mr. WHITEHOUSE, Mr. VAN HOLLEN, Mr. COONS, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Family and Medical Leave Act of 1993 to provide leave because of the death of a son or daughter.

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 “Parental Bereavement  
5 Act of 2019” or the “Sarah Grace-Farley-Kluger Act”.

6 **SEC. 2. FAMILY LEAVE BECAUSE OF THE DEATH OF A SON**  
7 **OR DAUGHTER.**

8 (a) FAMILY LEAVE.—

1           (1) ENTITLEMENT TO LEAVE.—Section  
 2           102(a)(1) of the Family and Medical Leave Act of  
 3           1993 (29 U.S.C. 2612(a)(1)) is amended by adding  
 4           at the end the following new subparagraph:

5                   “(F) Because of the death of a son or  
 6                   daughter.”.

7           (2) REQUIREMENTS RELATING TO LEAVE.—

8                   (A) SCHEDULE.—Section 102(b)(1) of  
 9                   such Act (29 U.S.C. 2612(b)(1)) is amended by  
 10                   inserting after the third sentence the following  
 11                   new sentence: “Leave under subsection  
 12                   (a)(1)(F) shall not be taken by an employee  
 13                   intermittently or on a reduced leave schedule  
 14                   unless the employee and the employer of the  
 15                   employee agree otherwise.”.

16                   (B) SUBSTITUTION OF PAID LEAVE.—Sec-  
 17                   tion 102(d)(2)(B) of such Act (29 U.S.C.  
 18                   2612(d)(2)(B)) is amended, in the first sen-  
 19                   tence, by striking “(C) or (D)” and inserting  
 20                   “(C), (D), or (F)”.

21                   (C) NOTICE.—Section 102(e) of such Act  
 22                   (29 U.S.C. 2612(e)) is amended by adding at  
 23                   the end the following new paragraph:

24                   “(4) NOTICE FOR LEAVE DUE TO DEATH OF A  
 25                   SON OR DAUGHTER.—In any case in which the ne-

1       necessity for leave under subsection (a)(1)(F) is fore-  
2       seeable, the employee shall provide such notice to the  
3       employer as is reasonable and practicable.”.

4               (D) SPOUSES EMPLOYED BY SAME EM-  
5       PLOYER.—Section 102(f)(1)(A) of such Act (29  
6       U.S.C. 2612(f)(1)(A)) is amended by striking  
7       “subparagraph (A) or (B)” and inserting “sub-  
8       paragraph (A), (B), or (F)”.

9               (E) CERTIFICATION REQUIREMENTS.—  
10       Section 103 of such Act (29 U.S.C. 2613) is  
11       amended by adding at the end the following:

12       “(g) CERTIFICATION RELATED TO THE DEATH OF  
13       A SON OR DAUGHTER.—An employer may require that a  
14       request for leave under section 102(a)(1)(F) be supported  
15       by a certification issued at such time and in such manner  
16       as the Secretary may by regulation prescribe. If the Sec-  
17       retary issues a regulation requiring such certification, the  
18       employee shall provide, in a timely manner, a copy of such  
19       certification to the employer.”.

20               (F) FAILURE TO RETURN FROM LEAVE.—  
21       Section 104(c) of such Act (29 U.S.C. 2614(c))  
22       is amended—

23               (i) in paragraph (2)(B)(i), by insert-  
24       ing before the semicolon the following: “,

1 or a death that entitles the employee to  
 2 leave under section 102(a)(1)(F)”; and

3 (ii) in paragraph (3)(A)—

4 (I) in the matter preceding clause

5 (i), by inserting “, or the death,” be-  
 6 fore “described”;

7 (II) in clause (ii), by striking  
 8 “or” at the end;

9 (III) by redesignating clause (iii)  
 10 as clause (iv); and

11 (IV) by inserting after clause (ii)  
 12 the following:

13 “(iii) a certification that meets such  
 14 requirements as the Secretary may by reg-  
 15 ulation prescribe, in the case of an em-  
 16 ployee unable to return to work because of  
 17 a death specified in section 102(a)(1)(F);  
 18 or”.

19 (G) EMPLOYEES OF LOCAL EDUCATIONAL  
 20 AGENCIES.—Section 108 of such Act (29  
 21 U.S.C. 2618) is amended—

22 (i) in subsection (c)—

23 (I) in paragraph (1)—

24 (aa) in the matter preceding  
 25 subparagraph (A), by inserting

1 after “medical treatment” the  
 2 following: “, or under section  
 3 102(a)(1)(F) that is foresee-  
 4 able,”; and

5 (bb) in subparagraph (A),  
 6 by inserting after “to exceed” the  
 7 following: “(except in the case of  
 8 leave under section  
 9 102(a)(1)(F))”; and

10 (II) in paragraph (2), by striking  
 11 “section 102(e)(2)” and inserting  
 12 “paragraphs (2) and (4) of section  
 13 102(e), as applicable”; and

14 (ii) in subsection (d), in paragraphs  
 15 (2) and (3), by striking “or (C)” each  
 16 place it appears and inserting “(C), or  
 17 (F)”.

18 (b) FAMILY LEAVE FOR CIVIL SERVICE EMPLOY-  
 19 EES.—

20 (1) ENTITLEMENT TO LEAVE.—Section  
 21 6382(a)(1) of title 5, United States Code, is amend-  
 22 ed by adding at the end the following:

23 “(F) Because of the death of a son or daugh-  
 24 ter.”.

25 (2) REQUIREMENTS RELATING TO LEAVE.—

1           (A) SCHEDULE.—Section 6382(b)(1) of  
2 such title is amended by inserting after the  
3 third sentence the following new sentence:  
4 “Leave under subsection (a)(1)(F) shall not be  
5 taken by an employee intermittently or on a re-  
6 duced leave schedule unless the employee and  
7 the employing agency of the employee agree  
8 otherwise.”.

9           (B) SUBSTITUTION OF PAID LEAVE.—Sec-  
10 tion 6382(d) of such title is amended, in the  
11 first sentence, by striking “or (E)” and insert-  
12 ing “(E), or (F)”.

13           (C) NOTICE.—Section 6382(e) of such title  
14 is amended by adding at the end the following  
15 new paragraph:

16           “(4) In any case in which the necessity for leave  
17 under subsection (a)(1)(F) is foreseeable, the employee  
18 shall provide such notice to the employing agency as is  
19 reasonable and practicable.”.

20           (D) CERTIFICATION REQUIREMENTS.—  
21 Section 6383 of such title is amended by adding  
22 at the end the following:

23           “(g) An employing agency may require that a request  
24 for leave under section 6382(a)(1)(F) be supported by a  
25 certification issued at such time and in such manner as

1 the Office of Personnel Management may by regulation  
2 prescribe. If the Office issues a regulation requiring such  
3 certification, the employee shall provide, in a timely man-  
4 ner, a copy of such certification to the employer.”.

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