

118TH CONGRESS
1ST SESSION

S. 210

To expand employees eligible for leave and employers subject to leave requirements.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2023

Ms. SMITH (for herself, Mrs. GILLIBRAND, Mr. PADILLA, Ms. WARREN, Mr. BROWN, Mr. SANDERS, Mr. DURBIN, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To expand employees eligible for leave and employers subject to leave requirements.

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 “Job Protection Act”.

5 **SEC. 2. EXPANSION OF EMPLOYEES ELIGIBLE FOR LEAVE.**

6 (a) IN GENERAL.—Section 101(2) of the Family and
7 Medical Leave Act of 1993 (29 U.S.C. 2611(2)) is amend-
8 ed—

(1) in subparagraph (A), by striking “employed—” and all that follows through the end of the subparagraph and inserting “employed for not less than 90 days by the employer with respect to whom leave is requested under section 102.”;

(2) in subparagraph (B), by striking “does not include—” and all that follows through the end of the subparagraph and inserting “does not include any Federal officer or employee covered under subchapter V of chapter 63 of title 5, United States Code (as added by title II of this Act).”;

(3) by striking subparagraphs (C) and (D); and

(4) by redesignating subparagraph (E) as subparagraph (C).

(b) FEDERAL EMPLOYEES.—

(1) TITLE 5.—Subchapter V of chapter 63 of title 5, United States Code, is amended—

(A) in section 6381(1)(B), by striking “12 months” and inserting “90 days”; and

(B) in section 6382(d)(2)(E), by striking “12 months” and inserting “90 days”.

(2) PRESIDENTIAL EMPLOYEES.—Section 412(a)(2)(B) of title 3, United States Code, is amended by striking “12 months and for at least

1 1,250 hours of employment during the previous 12
2 months” and inserting “90 days”.

3 (3) CONGRESSIONAL EMPLOYEES.—Section
4 202(a)(2)(B) of the Congressional Accountability
5 Act of 1995 (2 U.S.C. 1312(a)(2)(B)) is amended
6 by striking “12 months and for at least 1,250 hours
7 of employment during the previous 12 months” and
8 inserting “90 days”.

9 **SEC. 3. EXPANSION OF EMPLOYERS SUBJECT TO LEAVE RE-**
10 **QUIREMENTS.**

11 Section 101(4)(A)(i) of the Family and Medical
12 Leave Act of 1993 (29 U.S.C. 2611(4)(A)(i)) is amended
13 by striking “50 or more employees” and all that follows
14 through the end of the clause and inserting “1 or more
15 employees”.

16 **SEC. 4. APPLICABILITY.**

17 This Act, and the amendments made by this Act,
18 shall apply with respect to leave taken on or after the date
19 of enactment of this Act.

○