



(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To require employers to provide paid annual leave to employees, and for
other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MAGAZINER introduced the following bill; which was referred to the
Committee on _____

A BILL

To require employers to provide paid annual leave to
employees, 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 “Protected Time Off
5 Act” or the “PTO Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **COMMERCE.**—The terms “commerce” and
9 “industry or activity affecting commerce” mean any

1 activity, business, or industry in commerce or in
2 which a labor dispute would hinder or obstruct com-
3 merce or the free flow of commerce, and include
4 “commerce” and any “industry affecting com-
5 merce”, as defined in paragraphs (1) and (3) of sec-
6 tion 501 of the Labor Management Relations Act,
7 1947 (29 U.S.C. 142(1) and (3)).

8 (2) COVERED EMPLOYEE.—The term “covered
9 employee” means an individual who is—

10 (A)(i) an employee who is not covered
11 under any other provision of this paragraph, ex-
12 cept that a reference in such section to an em-
13 ployer shall be considered a reference to an em-
14 ployer described in paragraph (3)(A)(i)(I);

15 (ii) an employee of the Government
16 Accountability Office; or

17 (iii) an employee of a covered em-
18 ployer described in paragraph
19 (3)(B)(i)(IV);

20 (B) a State employee described in section
21 304(a) of the Government Employee Rights Act
22 of 1991 (42 U.S.C. 2000e–16c(a)), other than
23 an applicant for employment;

24 (C) a covered employee (as defined in sec-
25 tion 411(c) of title 3, United States Code);

1 (D) a covered employee (as defined in sec-
2 tion 101 of the Congressional Accountability
3 Act of 1995 (2 U.S.C. 1301)), other than an
4 applicant for employment; or

5 (E) a Federal officer or employee covered
6 under subchapter V of chapter 63 of title 5,
7 United States Code (without regard to the limi-
8 tation in section 6381(1)(B) of that title).

9 (3) EMPLOYER.—

10 (A) IN GENERAL.—The term “employer”
11 means any person who is—

12 (i)(I) a covered employer who is not
13 described in any other subclause of this
14 clause;

15 (II) an entity employing a State em-
16 ployee described in section 304(a) of the
17 Government Employee Rights Act of 1991;

18 (III) an employing office, as defined
19 in section 101 of the Congressional Ac-
20 countability Act of 1995;

21 (IV) an employing office, as defined in
22 section 411(c) of title 3, United States
23 Code; or

1 (V) an employing agency covered
2 under subchapter V of chapter 63 of title
3 5, United States Code; and

4 (ii) engaged in commerce (including gov-
5 ernment), or any industry or activity affecting
6 commerce (including government).

7 (B) COVERED EMPLOYER.—

8 (i) IN GENERAL.—In subparagraph
9 (A)(i)(I), the term “covered employer”—

10 (I) means any person engaged in
11 commerce or in any industry or activ-
12 ity affecting commerce who employs 1
13 or more employees for each working
14 day during each of 20 or more cal-
15 endar workweeks in the current or
16 preceding year;

17 (II) includes the Government Ac-
18 countability Office and the Library of
19 Congress;

20 (III) includes—

21 (aa) any person who acts,
22 directly or indirectly, in the inter-
23 est of an employer covered by
24 this clause to any of the employ-
25 ees of such employer; and

1 (bb) any successor in inter-
2 est of such an employer; and

3 (IV) includes any carrier (as such
4 term is defined in section 1 of the
5 Railway Labor Act (45 U.S.C. 151))
6 and any carrier by air (as described in
7 section 201 of such Act (45 U.S.C.
8 181)).

9 (ii) PUBLIC AGENCY.—For purposes
10 of clause (i), a public agency, as defined in
11 section 3(x) of the Fair Labor Standards
12 Act of 1938 (29 U.S.C. 203(x)), shall be
13 considered to be a person engaged in com-
14 merce or in an industry or activity affect-
15 ing commerce.

16 (C) PREDECESSORS.—Any reference in
17 this paragraph to an employer shall include a
18 reference to any predecessor of such employer.

19 (4) FLSA DEFINITIONS.—The terms “employ”,
20 “employee”, “person”, and “State” have the mean-
21 ings given the terms in section 3 of the Fair Labor
22 Standards Act of 1938 (29 U.S.C. 203).

23 (5) PAID ANNUAL LEAVE.—The term “paid an-
24 nual leave”—

1 (A) means paid vacation leave and paid
2 personal leave provided to an employee by the
3 employer of such employee to be used during
4 period in which the employee would otherwise
5 work; and

6 (B) does not include—

7 (i) paid or unpaid family and medical
8 leave provided by the employer or required
9 by Federal, State, or local law;

10 (ii) leave provided under the Family
11 and Medical Leave Act of 1993 (29 U.S.C.
12 2601, et seq.);

13 (iii) sick leave provided by the em-
14 ployer or required by Federal, State, or
15 local law;

16 (iv) bereavement leave provided by the
17 employer or required by Federal, State or
18 local law;

19 (v) leave provided by the employer or
20 required by Federal State, or local law for
21 purposes related to adoption or fostering of
22 a child;

23 (vi) leave related to domestic violence,
24 sexual assault, or stalking provided by the

1 employer or required by Federal, State, or
2 local law;

3 (vii) leave provided by the employer or
4 required by Federal, State, or local law
5 with respect to a public health emergency;

6 (viii) absence or paid leave under
7 workers' compensation or a disability plan;

8 (ix) leave provided by the employer or
9 leave required to be provided by Federal,
10 State, or local law for holidays established
11 by Federal, State, or local law; or

12 (x) leave provided by the employer or
13 required by Federal, State, or local law for
14 jury duty, civic duty, or to vote.

15 (6) RAIL CARRIER.—The term “rail carrier”
16 has the meaning given such term in section 10102
17 of title 49, United States Code.

18 (7) SECRETARY.—Unless otherwise specified,
19 the term “Secretary” means the Secretary of Labor.

20 **SEC. 3. EARNED ANNUAL LEAVE.**

21 (a) EARNING OF PAID ANNUAL LEAVE.—

22 (1) EARNING OF ANNUAL LEAVE.—An employer
23 shall provide each employee employed by the em-
24 ployer not less than 1 hour of paid annual leave for
25 every 25 hours worked.

1 (2) LIMITATION.—

2 (A) IN GENERAL.—For purposes of com-
3 plying with paragraph (1), an employer may
4 not be required to provide more than 80 hours
5 of paid annual leave to an employee during any
6 12-month period.

7 (B) RULE OF CONSTRUCTION.—Nothing in
8 this section may be construed to preclude an
9 employer from providing more than 80 hours of
10 paid annual leave.

11 (3) COMMENCEMENT OF EARNING PAID AN-
12 NUAL LEAVE.—An employee shall begin to earn paid
13 annual leave at the commencement of employment of
14 such employee.

15 (4) OVERTIME EXEMPT EMPLOYEE.—For pur-
16 poses of this section, where an employer is not re-
17 quired by the Fair Labor Standards Act of 1938 to
18 maintain and preserve records of hours worked be-
19 cause an employee is exempt from minimum wage or
20 overtime requirements under such Act (29 U.S.C.
21 213(a)), the employee shall be deemed to work 40
22 hours in each workweek.

23 (b) USE OF PAID ANNUAL LEAVE.—

24 (1) IN GENERAL.—Paid annual leave may be
25 used by an employee for any reason.

1 (2) TIMING.—Subject to paragraphs (2) and
2 (3) of subsection (c), an employee may use paid an-
3 nual leave earned by the employee as it is accrued.

4 (3) RATE OF COMPENSATION.—

5 (A) IN GENERAL.—An employee using paid
6 annual leave shall be compensated, for the pe-
7 riod that the employee is using such leave, at
8 the regular rate at which the employee would
9 have been paid for such period if the employee
10 were not using paid annual leave.

11 (B) TIPPED EMPLOYEE.—For the pur-
12 poses of subparagraph (A), with respect to a
13 tipped employee (as defined in section 3(t) of
14 the Fair Labor Standards Act of 1938 (29
15 U.S.C. 203(t)), such an employee shall be com-
16 pensated, for the period that such employee is
17 using paid annual leave, at a rate equivalent to
18 the higher of—

19 (i) the Federal minimum wage;

20 (ii) the applicable State minimum
21 wage;

22 (iii) the applicable local or municipal
23 minimum wage;

24 (iv) any other wage required by law;

25 or

1 (v) the regular rate at which the em-
2 ployee is employed.

3 (4) LOANING OF ANNUAL LEAVE.—

4 (A) LOANED LEAVE.—An employer may
5 loan paid annual leave to an employee for use
6 by such employee in advance of the employee
7 earning such annual leave.

8 (B) REIMBURSEMENT FOR LOANED
9 LEAVE.—An employer may require an employee
10 of such employer to reimburse the employer for
11 any annual leave loaned under subparagraph
12 (A) that such employee has not earned at the
13 time of separation. Such reimbursement shall
14 be at the rate described in paragraph (3).

15 (5) INCREMENTS OF USE OF PAID ANNUAL
16 LEAVE.—An employer shall allow employees to use
17 paid annual leave in increments of the smaller of—

18 (A) hourly increments; or

19 (B) the smallest increment of time that the
20 employer's payroll system uses to account for
21 absences or use of other time.

22 (6) BENEFITS RETAINED DURING LEAVE.—An
23 employer shall maintain any employment benefits
24 (as defined in section 101(5) of the Family and
25 Medical Leave Act of 1993) provided to an employee

1 during any period in which the employee takes paid
2 annual leave, and such benefits shall be provided in
3 the same manner as if the employee had continued
4 in employment continuously for the duration of such
5 leave.

6 (c) PROCEDURES FOR USE OF PAID ANNUAL
7 LEAVE.—

8 (1) IN GENERAL.—Subject to paragraphs (2)
9 and (3), an employee may use paid annual leave
10 upon the verbal or written request of the employee.

11 (2) EMPLOYEE NOTIFICATION.—

12 (A) EMPLOYEE NOTIFICATION.—An em-
13 ployee shall provide notice to the employer to
14 use paid annual leave.

15 (B) NOTICE DESCRIBED.—The Secretary
16 shall create sample notices for the purpose de-
17 scribed in subparagraph (A).

18 (C) TIMING OF NOTICE.—An employer
19 may not require an employee to provide notice
20 in excess of 2 weeks in advance of the use of
21 such leave.

22 (D) UNFORESEEABLE USE OF LEAVE.—In
23 the case of an unforeseeable use of leave, an
24 employee shall not be required to provide the
25 notice required under subparagraph (A).

1 (3) REASONABLE RESTRICTIONS.—

2 (A) IN GENERAL.—An employer may place
3 limited, reasonable restrictions for the sched-
4 uling of paid annual leave for a bona fide busi-
5 ness reason and may reject a scheduling request
6 for such leave for a bona fide business reason,
7 so long as the employer—

8 (i) provides other reasonable alter-
9 native times, as described in subparagraph
10 (B), for the employee to schedule such
11 leave;

12 (ii) and complies with the notice re-
13 quirement described in subparagraph (C).

14 (B) REASONABLE ALTERNATIVES.—A rea-
15 sonable alternative time described in this sub-
16 paragraph is a date other than the date the em-
17 ployee requested to use paid annual leave that
18 is within 30 days of such date.

19 (C) DENIAL NOTICE.—In the case that an
20 employer denies a request of an employee to use
21 paid annual leave, the employer shall, not later
22 than 5 business days after the day the employee
23 made such request, provide to the employee a
24 written notice—

1 (i) detailing the bona fide business
2 reason for such denial; and

3 (ii) that provides the reasonable alter-
4 native time described in subparagraph (B).

5 (D) CAN NOT PREVENT USE OF EXPIRING
6 LEAVE.—Such reasonable alternative time may
7 not be offered to prevent the use of paid annual
8 leave that is set to expire.

9 (4) PURPOSE OF USE OF PAID ANNUAL
10 LEAVE.—An employer may not require an employee
11 to disclose the purpose or reason for which the em-
12 ployee is using paid annual leave.

13 (5) CARRYOVER.—An employer shall permit an
14 employee of such employer to carry over up to 40
15 hours of any accrued and unused paid annual leave
16 to the following 12-month period.

17 (6) PROHIBITION ON FINDING COVER.—An em-
18 ployer may not require, as a condition of taking paid
19 annual leave, that an employee search for or find a
20 replacement employee to cover the hours during
21 which the employee is using such annual leave.

22 (7) GUIDANCE.—Not later than 180 after the
23 date of enactment of this Act, the Secretary shall
24 provide guidance to employers on compliance with
25 paragraph (3), including defining the terms limited

1 reasonable restriction, a bona fide business reason,
2 and a reasonable alternative time.

3 (d) PROCEDURES REGARDING LEAVE FOR EM-
4 PLOYEE SEPARATION.—

5 (1) COMPENSATION.—In the case that an em-
6 ployee separates from an employer and such em-
7 ployee has unused paid annual leave, the employer
8 shall provide financial compensation at a rate that
9 is the higher of—

10 (A) the average regular rate received by
11 such employee during the last 3 years of the
12 employee's employment; or

13 (B) the final regular rate received by the
14 employee.

15 (2) REINSTATEMENT.—If an employee sepa-
16 rates from employment with an employer and is re-
17 hired within 12 months after that separation by the
18 same employer—

19 (A) in the case that the employee had paid
20 annual leave in excess of 80 hours that was not
21 compensated under paragraph (1), the employer
22 shall reinstate such leave for the employee; and

23 (B) the employee shall be entitled to use
24 such leave and earn additional paid annual

1 leave at the recommencement of employment
2 with the employer.

3 **SEC. 4. EMPLOYER NOTICE AND SYSTEM REQUIREMENTS.**

4 (a) NOTICE REQUIREMENT.—An employer shall no-
5 tify each employee about the paid annual leave policy of
6 such employer, which shall include the information de-
7 scribed in subsection (b), by—

8 (1) providing such information, in writing, to
9 each employee on or before the first day of employ-
10 ment of such employee;

11 (2) including such information in any employee
12 handbook; and

13 (3) posting a notice containing such informa-
14 tion in a physical conspicuous place on the premises
15 of the employer or a virtual conspicuous place, where
16 notices to employees are customarily posted.

17 (b) CONTENTS.—The information provided pursuant
18 to subsection (a) shall include—

19 (1) any paid annual leave policy of such em-
20 ployer, including any paid annual leave policy that
21 provides paid annual leave in excess of the require-
22 ments of this Act;

23 (2) information pertaining to the filing of an
24 action under section 6;

1 (3) details of any notice requirement the em-
2 ployer may require, as described in section 3(c)(2);

3 (4) information regarding—

4 (A) the protections that an employee has
5 in exercising rights under this Act; and

6 (B) how the employee can contact the Sec-
7 retary (or other appropriate authority as de-
8 scribed in section 6) if any such rights are vio-
9 lated.

10 (c) **SYSTEM REQUIREMENT.**—An employer shall es-
11 tablish a system, such as through an online portal, written
12 request, or through pay stubs, to inform each employee
13 of the employer how much paid annual leave each em-
14 ployee has earned.

15 **SEC. 5. PROHIBITED ACTS.**

16 (a) **INTERFERENCE WITH RIGHTS.**—It shall be un-
17 lawful for any employer to—

18 (1) violate any provision of section 3 or 4;

19 (2) discharge or discriminate against (including
20 to retaliate against) any individual, including a job
21 applicant, for exercising, or attempting to exercise,
22 any right provided under this Act;

23 (3) use the taking of paid annual leave provided
24 under this Act as a negative factor in an employ-
25 ment action, such as hiring, promotion, reducing

1 hours or numbers of shifts, or a disciplinary action;
2 or

3 (4) count the use of such leave under a no-fault
4 attendance policy or any other absence-control pol-
5 icy.

6 (b) INTERFERENCE WITH PROCEEDINGS OR INQUIR-
7 IES.—It shall be unlawful for any person to discharge or
8 in any other manner discriminate against (including retali-
9 ating against) any individual, including a job applicant,
10 because such individual—

11 (1) has filed an action under section 6, or has
12 instituted or caused to be instituted any proceeding,
13 under this Act;

14 (2) has given, or intends to give, any informa-
15 tion in connection with any inquiry or proceeding re-
16 lating to any right provided under this Act; or

17 (3) has testified, or intends to testify, in any in-
18 quiry or proceeding relating to any right provided
19 under this Act.

20 (c) IMPERMISSIBLE CONSIDERATION.—A violation of
21 subsection (a) or (b) shall be established when a com-
22 plaining party demonstrates that any action described in
23 paragraphs (1), (2), or (3) of subsections (a) or (b) was
24 a motivating factor in any such action taken against the

1 complaining party, even though other factors also moti-
2 vated the action.

3 **SEC. 6. ENFORCEMENT AND INVESTIGATIVE AUTHORITY.**

4 (a) IN GENERAL.—

5 (1) DEFINITION.—In this subsection—

6 (A) the term “employee” means a covered
7 employee described in subparagraph (A), (B),
8 or (C) of section 2(2); and

9 (B) the term “employer” means an em-
10 ployer described in subclauses (I) or (II) of sec-
11 tion 2(3)(A)(i).

12 (2) INVESTIGATIVE AUTHORITY.—

13 (A) IN GENERAL.—To ensure compliance
14 with this Act, or any regulation or order issued
15 under this Act, the Secretary shall have, subject
16 to subparagraph (C), the investigative authority
17 provided under section 11(a) of the Fair Labor
18 Standards Act of 1938 (29 U.S.C. 211(a)),
19 with respect to employers, employees, and other
20 individuals affected by an employer.

21 (B) OBLIGATION TO KEEP AND PRESERVE
22 RECORDS.—An employer shall make, keep, and
23 preserve records pertaining to compliance with
24 this Act in accordance with section 11(c) of the
25 Fair Labor Standards Act of 1938 (29 U.S.C.

1 211(c)) and in accordance with regulations pre-
2 scribed by the Secretary.

3 (C) REQUIRED SUBMISSIONS GENERALLY
4 LIMITED TO AN ANNUAL BASIS.—The Secretary
5 may not require an employer to submit to the
6 Secretary any books or records more than once
7 during any 12-month period, unless the Sec-
8 retary has reasonable cause to believe there
9 may exist a violation of this act or any regula-
10 tion or order issued pursuant to this Act, or is
11 investigating a charge pursuant to paragraph
12 (4).

13 (D) SUBPOENA AUTHORITY.—For the pur-
14 poses of any investigation provided for in this
15 paragraph, the Secretary shall have the sub-
16 poena authority provided for under section 9 of
17 the Fair Labor Standards Act of 1938 (29
18 U.S.C. 209).

19 (3) PRIVATE RIGHT OF ACTION.—

20 (A) IN GENERAL.—An action to recover
21 damages or equitable relief prescribed in sub-
22 paragraph (B) may be maintained against any
23 employer in any Federal or State court of com-
24 petent jurisdiction by an employee or individual
25 or a representative for and on behalf of—

1 (i) the employee or individual; or

2 (ii) the employee or individual and
3 others similarly situated.

4 (B) LIABILITY.—Any employer who vio-
5 lates section 5 shall be liable to any employee
6 or individual affected—

7 (i) for damages equal to—

8 (I) the amount of—

9 (aa) any wages, salary, em-
10 ployment benefits, or other com-
11 pensation denied or lost by rea-
12 son of the violation; or

13 (bb) in a case in which
14 wages, salary, employment bene-
15 fits, or other compensation have
16 not been denied or lost, any ac-
17 tual monetary losses sustained as
18 a direct result of the violation up
19 to a sum equal to 80 hours of
20 wages or salary for the employee
21 or individual;

22 (II) the interest on the amount
23 described in subclause (I) calculated
24 at the prevailing rate; and

1 (III) an additional amount as liq-
2 uidated damages; and

3 (ii) for such equitable relief as may be
4 appropriate, including employment, rein-
5 statement, and promotion.

6 (C) FEES AND COSTS.—The court in an
7 action under this subsection shall, in addition to
8 any judgment awarded to the plaintiff, allow a
9 reasonable attorney's fee, reasonable expert wit-
10 ness fees, and other costs to be paid by the de-
11 fendant.

12 (D) LIMITATIONS.—

13 (i) IN GENERAL.—Except as provided
14 in subparagraph (B), an action may be
15 brought under paragraph (2) or (3) not
16 more than 2 years after the date of the
17 last event constituting the alleged violation
18 for which the action is brought.

19 (ii) WILLFUL VIOLATION.—In the
20 case of an action brought for a willful vio-
21 lation of section 5 (including a willful vio-
22 lation relating to rights provided under
23 section 3), such action may be brought not
24 more than 3 years after the last event con-

1 stituting the alleged violation for which
2 such action is brought.

3 (iii) COMMENCEMENT.—In deter-
4 mining when an action is commenced
5 under paragraph (2) or (3) for the pur-
6 poses of this subsection, the action shall be
7 considered to be commenced on the date
8 when the complaint is filed.

9 (4) ACTIONS BY THE SECRETARY.—

10 (A) ADMINISTRATIVE ACTIONS.—The Sec-
11 retary shall receive, investigate, and attempt to
12 resolve complaints of violations of section 5 in
13 the same manner that the Secretary receives,
14 investigates, and attempts to resolve complaints
15 of violations of sections 6 and 7 of the Fair
16 Labor Standards Act of 1938 (29 U.S.C. 206
17 and 207).

18 (B) CIVIL ACTION.—The Secretary may
19 bring an action in any court of competent juris-
20 diction to recover the damages described in sub-
21 section (a)(3)(B).

22 (C) SUMS RECOVERED.—Any sums recov-
23 ered by the Secretary pursuant to subparagraph
24 (B) shall be held in a special deposit account
25 and shall be paid, on order of the Secretary, di-

1 rectly to each employee or individual affected.
2 Any sums not paid to an employee or individual
3 affected because of the inability to do so within
4 a period of 3 years shall be deposited into the
5 Treasury of the United States as miscellaneous
6 receipts.

7 (D) ACTION FOR INJUNCTION BY SEC-
8 RETARY.—The district courts of the United
9 States shall have jurisdiction, for cause shown,
10 in an action brought by the Secretary—

11 (i) to restrain violations of section 5
12 (including a violation relating to rights
13 provided under section 3), including the re-
14 straint of any withholding of wages, salary,
15 employment benefits, or other compensa-
16 tion, plus interest, found by the court to be
17 due to employees or individuals eligible
18 under this Act; or

19 (ii) to award such other equitable re-
20 lief as may be appropriate, including em-
21 ployment, reinstatements, and promotion.

22 (E) SOLICITOR OF LABOR.—The Solicitor
23 of Labor may appear for and represent the Sec-
24 retary on any litigation brought under this sub-
25 section.

1 (b) GOVERNMENT ACCOUNTABILITY OFFICE AND LI-
2 BRARY OF CONGRESS.—Notwithstanding any other provi-
3 sion of this section, in the case of the Government Ac-
4 countability Office and the Library of Congress, the au-
5 thority of the Secretary under this subsection shall be ex-
6 ercised respectively by the Comptroller General of the
7 United States and the Librarian of Congress.

8 (c) EMPLOYEES COVERED BY CONGRESSIONAL AC-
9 COUNTABILITY ACT OF 1995.—The powers, remedies, and
10 procedures provided in the Congressional Accountability
11 Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as de-
12 fined in section 101 of that Act (2 U.S.C. 1301)), or any
13 person, alleging a violation of section 202(a)(1) of that
14 Act (2 U.S.C. 1312(a)(1)) shall be the powers, remedies,
15 and procedures this Act provides to that Board, or any
16 person, alleging an unlawful employment practice in viola-
17 tion of this Act against an employee described in section
18 2(2)(D).

19 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE
20 5, UNITED STATES CODE.—The powers, remedies, and
21 procedures provided in title 5, United States Code, to an
22 employing agency, provided in chapter 12 of that title to
23 the Merit Systems Protection Board, or provided in that
24 title to any person, alleging a violation of chapter 63 of
25 that title, shall be the powers, remedies, and procedures

1 this Act provides to that agency, that Board, or any per-
2 son, respectively, alleging an unlawful employment prac-
3 tice in violation of this Act against an employee described
4 in section 2(2)(E).

5 (e) REMEDIES FOR STATE EMPLOYEES.—

6 (1) WAIVER OF SOVEREIGN IMMUNITY.—A
7 State's receipt or use of Federal financial assistance
8 for any program or activity of a State shall con-
9 stitute a waiver of sovereign immunity, under the
10 11th Amendment of the Constitution or otherwise,
11 to a suit brought by an employee of that program
12 or activity under this Act for equitable, legal, or
13 other relief authorized under this Act.

14 (2) OFFICIAL CAPACITY.—An official of a State
15 may be sued in the official capacity of the official by
16 any employee who has complied with the procedures
17 of subsection (a)(3), for injunctive relief that is au-
18 thorized under this Act. In such a suit, the court
19 may award to the prevailing party those costs au-
20 thorized by section 722 of the Revised Statutes (42
21 U.S.C. 1988).

22 (3) APPLICABILITY.—With respect to a par-
23 ticular program or activity, paragraph (1) applies to
24 conduct occurring on or after the day, after the date
25 of enactment of this Act, on which a State first re-

1 ceives or uses Federal financial assistance for that
2 program or activity.

3 (4) PROGRAM OR ACTIVITY DEFINED.—In this
4 subsection, the term “program or activity” has the
5 meaning given the term in section 606 of the Civil
6 Rights Act of 1964 (42 U.S.C. 2000d–4a).

7 (f) COLLECTIVE BARGAINING AGREEMENT RESOLU-
8 TION.— In addition to the enforcement mechanisms set
9 forth in this section, an employee or labor organization
10 may also use a grievance and arbitration procedure of a
11 collective bargaining agreement to enforce collectively bar-
12 gained provisions relating to paid annual leave.

13 **SEC. 7. EFFECT ON OTHER LAWS AND EXISTING AGREE-**
14 **MENTS.**

15 (a) STATE OR MUNICIPAL LAWS.—

16 (1) GREATER LEAVE RIGHTS.—Nothing in this
17 Act shall be construed to supersede any provision of
18 any State or local law that provides greater paid an-
19 nual leave or other leave rights to employees or indi-
20 viduals than the rights established under this Act.

21 (2) DISTINGUISH BETWEEN TYPES OF
22 LEAVE.—For the purposes of this subsection, a
23 State or municipal law that does not distinguish be-
24 tween time earned for paid annual leave and time
25 earned for sick leave shall be deemed a law that pro-

1 vides lesser paid annual leave or other rights to em-
2 ployees or individuals than the rights established
3 under this Act.

4 (b) MORE PROTECTIVE AGREEMENTS.—Nothing in
5 this Act shall be construed to diminish the obligation of
6 an employer to comply with any contract, collective bar-
7 gaining agreement, or any employment benefit program
8 or plan that provides greater paid annual leave or other
9 leave rights to employees or individuals than the rights
10 established under this Act.

11 (c) LESS PROTECTIVE AGREEMENTS.—The rights es-
12 tablished for employees under this Act shall not be dimin-
13 ished by any contract, collective bargaining agreement, or
14 any employment program or plan.

15 **SEC. 8. AWARENESS CAMPAIGN.**

16 (a) IN GENERAL.—Not later than 1 year after the
17 date of enactment of this Act, the Secretary shall carry
18 out a public awareness campaign to inform the public
19 about the paid annual leave established under this Act,
20 which shall include information about—

21 (1) the rights provided to an employee under
22 this Act; and

23 (2) resources available to an employee if the
24 employee believes the rights provided under this act
25 have been violated.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as are nec-
3 essary to carry out this section.

4 **SEC. 9. EFFECTIVE DATES.**

5 (a) EFFECTIVE DATE.—This Act shall take effect
6 180 days after the date of enactment of this Act.

7 (b) COLLECTIVE BARGAINING AGREEMENTS.—In the
8 case of a collective bargaining agreement in effect on the
9 effective date prescribed under subsection (a), the Act
10 shall take effect on the earlier of—

11 (1) the date of the termination of such agree-
12 ment;

13 (2) the date of any amendment, made on or
14 after such effective date, to such agreement; or

15 (3) the date that occurs 18 months after such
16 effective date.