

118TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. SANDERS introduced the following bill; which was read twice and 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 “Guaranteed Paid Vaca-
5 tion Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

1 (A) mean any activity, business, or indus-
2 try in commerce or in which a labor dispute
3 would hinder or obstruct commerce or the free
4 flow of commerce; and

5 (B) include “commerce” and “industry af-
6 fecting commerce”, as defined in paragraphs
7 (1) and (3) of section 501 of the Labor Man-
8 agement Relations Act, 1947 (29 U.S.C. 142(1)
9 and (3)).

10 (2) EMPLOYEE.—The term “employee” means
11 an individual who is—

12 (A)(i) an employee (as defined in section
13 3(e) of the Fair Labor Standards Act of 1938
14 (29 U.S.C. 203(e)) who is not covered under
15 any other provision of this paragraph, including
16 an employee of the Library of Congress, except
17 that a reference in such section to an employer
18 shall be considered a reference to an employer
19 described in paragraph (3)(A)(i)(I);

20 (ii) an employee of the Government Ac-
21 countability Office; or

22 (iii) an employee of a covered employer de-
23 scribed in paragraph (3)(B)(i)(V);

24 (B) a State employee described in section
25 304(a) of the Government Employee Rights Act

1 of 1991 (42 U.S.C. 2000e-16c(a)), other than
2 an applicant for employment;

3 (C) a tipped employee, as defined in sec-
4 tion 3(t) of the Fair Labor Standards Act of
5 1938 (29 U.S.C. 203(t)), who is not covered
6 under subparagraphs (B), (D), (E), or (F);

7 (D) a covered employee, as defined in sec-
8 tion 411(e) of title 3, United States Code;

9 (E) a covered employee, as defined in sec-
10 tion 101 of the Congressional Accountability
11 Act of 1995 (2 U.S.C. 1301), other than an ap-
12 plicant for employment; or

13 (F) a Federal officer or employee covered
14 under subchapter V of chapter 63 of title 5,
15 United States Code (without regard to the limi-
16 tation in section 6381(1)(B) of that title), who
17 is not covered under subparagraph (D).

18 (3) EMPLOYER.—

19 (A) IN GENERAL.—The term “employer”
20 means a person who is—

21 (i)(I) a covered employer who is not
22 described in any other subclause of this
23 clause;

1 (II) an entity employing a State em-
2 ployee described in section 304(a) of the
3 Government Employee Rights Act of 1991;

4 (III) an employing office, as defined
5 in section 101 of the Congressional Ac-
6 countability Act of 1995;

7 (IV) an employing office, as defined in
8 section 411(c) of title 3, United States
9 Code; or

10 (V) an employing agency covered
11 under subchapter V of chapter 63 of title
12 5, United States Code; and

13 (ii) engaged in commerce (including gov-
14 ernment), or an industry or activity affecting
15 commerce (including government).

16 (B) COVERED EMPLOYER.—

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

19 (I) means any person engaged in
20 commerce or in any industry or activ-
21 ity affecting commerce who employs
22 an employee for each working day
23 during each of 20 or more calendar
24 workweeks in the current or preceding
25 year;

1 (II) includes the Government Ac-
2 countability Office and the Library of
3 Congress;

4 (III) includes any public agency;

5 (IV) includes—

6 (aa) any person who acts,
7 directly or indirectly, in the inter-
8 est of an employer covered by
9 this clause to any of the employ-
10 ees of such employer; and

11 (bb) any successor in inter-
12 est of such an employer; and

13 (V) includes any carrier (as such
14 term is defined in section 1 of the
15 Railway Labor Act (45 U.S.C. 151))
16 and any carrier by air (as described in
17 section 201 of such Act (45 U.S.C.
18 181).

19 (ii) PUBLIC AGENCY.—For purposes
20 of clause (i)(III), a public agency shall be
21 considered to be a person engaged in com-
22 merce or in an industry or activity affect-
23 ing commerce.

24 (iii) DEFINITIONS.—For purposes of
25 this subparagraph:

1 (I) EMPLOYEE.—The term “em-
2 ployee” has the meaning given such
3 term in section 3(e) of the Fair Labor
4 Standards Act of 1938 (29 U.S.C.
5 203(e)).

6 (II) PERSON.—The term “per-
7 son” has the meaning given such term
8 in section 3(a) of the Fair Labor
9 Standards Act of 1938 (29 U.S.C.
10 203(a)).

11 (III) PUBLIC AGENCY.—The
12 term “public agency” has the meaning
13 given such term in section 3(x) of the
14 Fair Labor Standards Act of 1938
15 (29 U.S.C. 203(x)).

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) PAID ANNUAL LEAVE.—The term “paid an-
20 nual leave”—

21 (A) subject to subparagraph (B), means
22 paid vacation leave, paid personal leave, paid
23 leave provided on an annual basis (provided
24 under this Act or otherwise), or any other form
25 of paid leave provided to an employee by the

1 employer of such employee to be used on days
2 (other than nonworkdays established by State
3 or Federal law) in which the employee would
4 otherwise work and receive pay; and

5 (B) does not include—

6 (i) leave provided under the Family
7 and Medical Leave Act of 1993 (29 U.S.C.
8 2601, et seq.); or

9 (ii) any form of sick leave.

10 (5) SECRETARY.—The term “Secretary” means
11 the Secretary of Labor.

12 (6) SICK LEAVE.—The term “sick leave” means
13 leave provided to an employee by the employer of
14 such employee for reasons such as personal medical
15 needs, family care or bereavement, care of a family
16 member with a serious health condition, or adoption-
17 related purposes, including leave required to be pro-
18 vided for such reasons under State or Federal law.

19 (7) STATE.—The term “State” has the mean-
20 ing given the term in section 3 of the Fair Labor
21 Standards Act of 1938 (29 U.S.C. 203).

22 **SEC. 3. EARNED PAID ANNUAL LEAVE.**

23 (a) EARNING OF PAID ANNUAL LEAVE.—

24 (1) EARNING OF ANNUAL LEAVE.—An employer
25 shall provide each employee employed by the em-

1 ployer not less than 1 hour of paid annual leave for
2 every 25 hours worked by the employee.

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

7 (3) COMMENCEMENT OF EARNING PAID AN-
8 NUAL LEAVE.—An employee shall begin to earn paid
9 annual leave at the commencement of employment of
10 such employee.

11 (4) OVERTIME EXEMPT EMPLOYEE.—For pur-
12 poses of this section, an employee who is exempt
13 from overtime requirements under section 13(a)(1)
14 of the Fair Labor Standards Act of 1938 (29 U.S.C.
15 213(a)(1)) shall be deemed to work 40 hours in each
16 workweek.

17 (b) USE OF PAID ANNUAL LEAVE.—

18 (1) IN GENERAL.—Paid annual leave earned
19 under subsection (a)(1) may be used by an employee
20 for any reason.

21 (2) TIMING.—Subject to paragraphs (2) and
22 (3) of subsection (c) and except as provided in sub-
23 section (d)(2), an employee may use paid annual
24 leave earned by the employee under subsection
25 (a)(1)—

1 (A) beginning on the 60th calendar day
2 after the commencement of employment of such
3 employee; or

4 (B) at any time before such calendar day
5 at the discretion of the employer of such em-
6 ployee.

7 (3) RATE OF COMPENSATION.—

8 (A) IN GENERAL.—Except as provided in
9 subparagraph (B), an employee using paid an-
10 nual leave earned under subsection (a)(1) shall
11 be compensated, for the period that the em-
12 ployee is using such leave, at the same rate at
13 which the employee would have been paid for
14 such period if the employee were not using the
15 paid annual leave.

16 (B) TIPPED EMPLOYEE.—For the pur-
17 poses of subparagraph (A), an employee de-
18 scribed in section 2(2)(C) shall be compensated,
19 for the period that such employee is using paid
20 annual leave earned under subsection (a)(1), at
21 a rate equivalent to the greater of—

22 (i) the minimum wage required under
23 section 6(a) of the Fair Labor Standards
24 Act of 1938 (29 U.S.C. 206(a));

1 (ii) the applicable State minimum
2 wage; or

3 (iii) the applicable local minimum
4 wage.

5 (4) LOANING OF ANNUAL LEAVE.—

6 (A) LOANED LEAVE.—An employer may
7 loan paid annual leave to an employee for use
8 by such employee in advance of the employee
9 earning such paid annual leave under sub-
10 section (a)(1), including before the 60th cal-
11 endar day after the commencement of employ-
12 ment of such employee.

13 (B) USE OF LOANED LEAVE.—Except as
14 provided in subparagraph (C), paid annual
15 leave loaned under subparagraph (A) shall be
16 treated as if earned under subsection (a)(1).

17 (C) REIMBURSEMENT FOR LOANED
18 LEAVE.—

19 (i) IN GENERAL.—An employer may
20 require an employee of such employer to
21 reimburse the employer for any paid an-
22 nual leave loaned under subparagraph (A)
23 that such employee has not earned at the
24 time of the termination of the employment
25 of the employee.

1 (ii) RATE.—Reimbursement under
2 clause (i) shall be at the applicable rate de-
3 scribed in paragraph (3).

4 (5) CARRYOVER.—An employee may use not
5 more than 40 hours of paid annual leave earned
6 under subsection (a)(1) in a 12-month period during
7 the following 12-month period.

8 (c) PROCEDURES FOR USE OF PAID ANNUAL
9 LEAVE.—

10 (1) IN GENERAL.—Subject to paragraphs (2)
11 and (3), an employee may use paid annual leave
12 earned under subsection (a)(1) upon the verbal or
13 written request of the employee.

14 (2) EMPLOYEE NOTIFICATION.—

15 (A) IN GENERAL.—Except as provided in
16 subparagraph (B), an employer may require an
17 employee provide the request under paragraph
18 (1) to the employer on a day that is—

19 (i) before the day on which the em-
20 ployee intends to use the paid annual
21 leave; and

22 (ii) not more than 14 days before the
23 day on which the employee intends to use
24 the paid annual leave.

1 (B) EMERGENCY.—Notwithstanding sub-
2 paragraph (A), an employer shall waive any no-
3 tice requirement and allow the use of paid an-
4 nual leave earned under subsection (a)(1) in the
5 case of an emergency or a situation in which an
6 employee can not provide timely notice to an
7 employer for the use the paid annual leave.

8 (3) REASONABLE RESTRICTIONS.—Notwith-
9 standing paragraph (1), an employer may—

10 (A) place limited, reasonable restrictions
11 regarding the scheduling of paid annual leave
12 earned under subsection (a)(1); and

13 (B) reject a scheduling request under para-
14 graph (1) for such leave for a bona fide busi-
15 ness reason, if the employer provides other rea-
16 sonable alternative times for the employee to
17 schedule such leave.

18 (4) PURPOSE OF USE OF PAID ANNUAL
19 LEAVE.—An employer may not require an employee
20 to disclose the purpose or reason for which the em-
21 ployee is using paid annual leave under subsection
22 (a)(1).

23 (5) PROHIBITION ON FINDING COVER.—An em-
24 ployer may not require, as a condition of using paid
25 annual leave earned under subsection (a)(1), that an

1 employee search for or find a replacement worker to
2 cover the hours during which the employee is using
3 such paid annual leave.

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

6 (1) REIMBURSEMENT.—Upon the termination
7 of the employment of an employee, the employer of
8 the employee shall provide financial reimbursement,
9 at the applicable rate described in subsection (b)(3),
10 to such employee for all paid annual leave earned by
11 the employee under subsection (a)(1) that is unused
12 as of the date of the termination.

13 (2) REINSTATEMENT.—If the employment of an
14 employee with an employer is terminated and the
15 employee is subsequently rehired by the employer
16 within 12 months after that termination—

17 (A) the employer shall reinstate the em-
18 ployee's previously earned paid annual leave;
19 and

20 (B) the employee shall be entitled to use
21 such leave and earn additional paid annual
22 leave under subsection (a)(1) at the re-
23 commencement of employment with the em-
24 ployer.

1 **SEC. 4. NOTICE REQUIREMENTS.**

2 (a) NOTICE REQUIREMENT.—An employer shall no-
3 tify each employee of the employer about the paid annual
4 leave policy of such employer, which shall include the in-
5 formation described in subsection (b), by—

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

9 (2) including such information in any employee
10 handbook; and

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

15 (b) CONTENTS.—The information provided pursuant
16 to subsection (a) shall include—

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

21 (2) information pertaining to the filing of an
22 action under section 6;

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

25 (4) information regarding—

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

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

7 **SEC. 5. PROHIBITED ACTS.**

8 (a) INTERFERENCE WITH RIGHTS.—It shall be un-
9 lawful for any employer to interfere with, restrain, or deny
10 the exercise of, or the attempt to exercise, any right pro-
11 vided under this Act, including—

12 (1) discharging or discriminating against (in-
13 cluding retaliating against) any individual, including
14 a job applicant, for exercising or attempting to exer-
15 cise, any right provided under this Act;

16 (2) using the taking of paid annual leave as a
17 negative factor in an employment action, such as
18 hiring, promotion, reducing hours or numbers of
19 shifts, or a disciplinary action; or

20 (3) counting paid annual leave under a no-fault
21 attendance policy or any other absence-control pol-
22 icy.

23 (b) INTERFERENCE WITH PROCEEDINGS OR INQUIR-
24 IES.—It shall be unlawful for any person to discharge or
25 in any other manner discriminate against (including retali-

1 ating against) any individual, including a job applicant,
2 because such individual—

3 (1) has filed an action under section 6, or has
4 instituted or caused to be instituted any proceeding,
5 under this Act;

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

9 (3) has testified, or intends to testify, in any in-
10 quiry or proceeding relating to any right provided
11 under this Act.

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

13 (a) IN GENERAL.—

14 (1) DEFINITION.—In this subsection—

15 (A) the term “employee” means an em-
16 ployee described in subparagraph (A), (B), or
17 (C) of section 2(2); and

18 (B) the term “employer” means an em-
19 ployer described in subclause (I) or (II) of sec-
20 tion 2(3)(A)(i).

21 (2) INVESTIGATIVE AUTHORITY.—

22 (A) IN GENERAL.—To ensure compliance
23 with this Act, or any regulation or order issued
24 under this Act, the Secretary shall have, subject
25 to subparagraph (C), the investigative authority

1 provided under section 11(a) of the Fair Labor
2 Standards Act of 1938 (29 U.S.C. 211(a)),
3 with respect to employers, employees, and other
4 individuals affected by an employer.

5 (B) OBLIGATION TO KEEP AND PRESERVE
6 RECORDS.—An employer shall make, keep, and
7 preserve records pertaining to compliance with
8 this Act in accordance with section 11(c) of the
9 Fair Labor Standards Act of 1938 (29 U.S.C.
10 211(c)) and in accordance with regulations pre-
11 scribed by the Secretary.

12 (C) REQUIRED SUBMISSIONS GENERALLY
13 LIMITED TO AN ANNUAL BASIS.—The Secretary
14 may not require, under the authority of this
15 paragraph, an employer to submit to the Sec-
16 retary any books or records more than once
17 during any 12-month period, unless the Sec-
18 retary has reasonable cause to believe there
19 may exist a violation of this Act or any regula-
20 tion or order issued pursuant to this Act, or is
21 investigating a charge pursuant to paragraph
22 (4).

23 (D) SUBPOENA AUTHORITY.—For the pur-
24 poses of any investigation provided for in this
25 paragraph, the Secretary shall have the sub-

1 poena authority provided for under section 9 of
2 the Fair Labor Standards Act of 1938 (29
3 U.S.C. 209).

4 (3) PRIVATE RIGHT OF ACTION.—

5 (A) IN GENERAL.—An action to recover
6 damages or equitable relief prescribed in sub-
7 paragraph (B) may be maintained against any
8 employer in any Federal or State court of com-
9 petent jurisdiction by an employee or individual
10 or a representative for and on behalf of—

11 (i) the employee or individual; or

12 (ii) the employee or individual and
13 others similarly situated.

14 (B) LIABILITY.—Any employer who vio-
15 lates section 5 (including a violation relating to
16 rights provided under section 3) shall be liable
17 to any employee or individual affected—

18 (i) for damages equal to—

19 (I) the amount of—

20 (aa) any wages, salary, em-
21 ployment benefits, or other com-
22 pensation denied or lost by rea-
23 son of the violation; or

24 (bb) in a case in which
25 wages, salary, employment bene-

1 fits, or other compensation have
2 not been denied or lost, any ac-
3 tual monetary losses sustained as
4 a direct result of the violation up
5 to a sum equal to 80 hours of
6 wages or salary for the employee
7 or individual;

8 (II) the interest on the amount
9 described in subclause (I) calculated
10 at the prevailing rate; and

11 (III) an additional amount as liq-
12 uidated damages; and

13 (ii) for such equitable relief as may be
14 appropriate, including employment, rein-
15 statement, and promotion.

16 (C) FEES AND COSTS.—The court in an
17 action under this paragraph shall, in addition to
18 any judgment awarded to the plaintiff, allow a
19 reasonable attorney’s fee, reasonable expert wit-
20 ness fees, and other costs to be paid by the de-
21 fendant.

22 (D) LIMITATIONS.—

23 (i) IN GENERAL.—Except as provided
24 in clause (ii), an action may be brought
25 under this paragraph or paragraph (4) not

1 later than 2 years after the date of the last
2 event constituting the alleged violation for
3 which the action is brought.

4 (ii) WILLFUL VIOLATION.—In the
5 case of such an action brought for a willful
6 violation of section 5 (including a willful
7 violation relating to rights provided under
8 section 3), such action may be brought not
9 later than 3 years after the last event con-
10 stituting the alleged violation for which
11 such action is brought.

12 (iii) COMMENCEMENT.—In deter-
13 mining when an action is commenced
14 under this paragraph or paragraph (4) for
15 the purposes of this subparagraph, the ac-
16 tion shall be considered to be commenced
17 on the date when the complaint is filed.

18 (4) ACTIONS BY THE SECRETARY.—

19 (A) ADMINISTRATIVE ACTIONS.—The Sec-
20 retary shall receive, investigate, and attempt to
21 resolve complaints of violations of section 5 in
22 the same manner that the Secretary receives,
23 investigates, and attempts to resolve complaints
24 of violations of sections 6 and 7 of the Fair

1 Labor Standards Act of 1938 (29 U.S.C. 206
2 and 207).

3 (B) CIVIL ACTION.—The Secretary may
4 bring an action in any court of competent juris-
5 diction to recover the damages described in sub-
6 section (a)(3)(B)(i).

7 (C) SUMS RECOVERED.—Any sums recov-
8 ered by the Secretary pursuant to subparagraph
9 (B) shall be held in a special deposit account
10 and shall be paid, on order of the Secretary, di-
11 rectly to each employee or individual affected.
12 Any such sums not paid to an employee or indi-
13 vidual affected because of the inability to do so
14 within a period of 3 years shall be deposited
15 into the Treasury of the United States as mis-
16 cellaneous receipts.

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

21 (i) to restrain violations of section 5
22 (including a violation relating to rights
23 provided under section 3), including the re-
24 straint of any withholding of wages, salary,
25 employment benefits, or other compensa-

1 tion, plus interest, found by the court to be
2 due to employees or individuals eligible
3 under this Act; or

4 (ii) to award such other equitable re-
5 lief as may be appropriate, including em-
6 ployment, reinstatement, and promotion.

7 (E) SOLICITOR OF LABOR.—The Solicitor
8 of Labor may appear for and represent the Sec-
9 retary on any litigation brought under this
10 paragraph.

11 (5) GOVERNMENT ACCOUNTABILITY OFFICE
12 AND LIBRARY OF CONGRESS.—Notwithstanding any
13 other provision of this section, in the case of the
14 Government Accountability Office and the Library of
15 Congress, the authority of the Secretary under this
16 subsection shall be exercised respectively by the
17 Comptroller General of the United States and the
18 Librarian of Congress.

19 (b) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
20 3, UNITED STATES CODE.—The powers, remedies, and
21 procedures provided in chapter 5 of title 3, United States
22 Code, to the President, the Merit Systems Protection
23 Board, or any person, alleging a violation of section
24 412(a)(1) of that title, shall be the powers, remedies, and
25 procedures this Act provides to the President, that Board,

1 or any person, respectively, alleging an unlawful employ-
2 ment practice in violation of this Act against an employee
3 described in section 2(2)(D).

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

15 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE
16 5, UNITED STATES CODE.—The powers, remedies, and
17 procedures provided in title 5, United States Code, to an
18 employing agency, provided in chapter 12 of that title to
19 the Merit Systems Protection Board, or provided in that
20 title to any person, alleging a violation of chapter 63 of
21 that title, shall be the powers, remedies, and procedures
22 this Act provides to that agency, that Board, or any per-
23 son, respectively, alleging an unlawful employment prac-
24 tice in violation of this Act against an employee described
25 in section 2(2)(F).

1 (e) REMEDIES FOR STATE EMPLOYEES.—

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

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

18 (3) APPLICABILITY.—With respect to a par-
19 ticular program or activity, paragraph (1) applies to
20 conduct occurring on or after the day, after the date
21 of enactment of this Act, on which a State first re-
22 ceives or uses Federal financial assistance for that
23 program or activity.

24 (4) PROGRAM OR ACTIVITY DEFINED.—In this
25 subsection, the term “program or activity” has the

1 meaning given the term in section 606 of the Civil
2 Rights Act of 1964 (42 U.S.C. 2000d–4a).

3 **SEC. 7. EFFECT ON EXISTING EMPLOYMENT BENEFITS.**

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

11 (b) LESS PROTECTIVE.—The rights established for
12 employees under this Act shall not be diminished by any
13 contract, collective bargaining agreement, or any employ-
14 ment 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 earned paid annual leave entitlement established
20 under this Act, 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.—Except as provided in sub-
6 section (b), this Act shall take effect 180 days after the
7 date of enactment of this Act.

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

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

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

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