

112TH CONGRESS  
1ST SESSION

# H. R. 1440

To amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to allow employees to take, as additional leave, parental involvement leave to participate in or attend their children's and grandchildren's educational and extracurricular activities, and to clarify that leave may be taken for routine family medical needs and to assist elderly relatives, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2011

Mrs. MALONEY (for herself, Mr. GEORGE MILLER of California, Ms. NORTON, Mr. NADLER, Mr. LEWIS of Georgia, Mr. ELLISON, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Oversight and Government Reform and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to allow employees to take, as additional leave, parental involvement leave to participate in or attend their children's and grandchildren's educational and extracurricular activities, and to clarify that leave may be taken for routine family medical needs and to assist elderly relatives, 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 “Family and Medical  
5 Leave Enhancement Act of 2011”.

6 **SEC. 2. ELIGIBLE EMPLOYEE.**

7       Section 101(2)(B)(ii) of the Family and Medical  
8 Leave Act of 1993 (29 U.S.C. 2611(2)(B)(ii)) is amended  
9 by striking “less than 50” each place it appears and in-  
10 sserting “fewer than 25”.

11 **SEC. 3. ENTITLEMENT TO ADDITIONAL LEAVE UNDER THE**  
12 **FMLA FOR PARENTAL INVOLVEMENT AND**  
13 **FAMILY WELLNESS.**

14       (a) LEAVE REQUIREMENT.—Section 102(a) of the  
15 Family and Medical Leave Act of 1993 (29 U.S.C.  
16 2612(a)) is amended by adding at the end the following  
17 new paragraph:

18               “(5) ENTITLEMENT TO ADDITIONAL LEAVE FOR  
19 PARENTAL INVOLVEMENT AND FAMILY  
20 WELLNESS.—

21               “(A) IN GENERAL.—Subject to subpara-  
22 graph (B) and section 103(g), an eligible em-  
23 ployee shall be entitled to leave under this para-  
24 graph to—

1           “(i) participate in or attend an activ-  
2           ity that is sponsored by a school or com-  
3           munity organization and relates to a pro-  
4           gram of the school or organization that is  
5           attended by a son or daughter or a grand-  
6           child of the employee; or

7           “(ii) meet routine family medical care  
8           needs, including for medical and dental ap-  
9           pointments of the employee or a son,  
10          daughter, spouse, or grandchild of the em-  
11          ployee, or to attend to the care needs of el-  
12          derly individuals who are related to the eli-  
13          gible employee, including visits to nursing  
14          homes and group homes.

15          “(B) LIMITATIONS.—

16                 “(i) IN GENERAL.—An eligible em-  
17                 ployee is entitled to—

18                         “(I) not to exceed 4 hours of  
19                         leave under this paragraph during any  
20                         30-day period; and

21                         “(II) not to exceed 24 hours of  
22                         leave under this paragraph during any  
23                         12-month period.

24                 “(ii) COORDINATION RULE.—Leave  
25                 under this paragraph shall be in addition

1 to any leave provided under any other  
2 paragraph of this subsection.

3 “(C) DEFINITIONS.—As used in this para-  
4 graph:

5 “(i) SCHOOL.—The term ‘school’  
6 means an elementary school or secondary  
7 school (as such terms are defined in sec-  
8 tion 9101 of the Elementary and Sec-  
9 ondary Education Act of 1965 (20 U.S.C.  
10 7801)), a Head Start program assisted  
11 under the Head Start Act (42 U.S.C. 9831  
12 et seq.), or a child care facility.

13 “(ii) COMMUNITY ORGANIZATION.—  
14 The term ‘community organization’ means  
15 a private nonprofit organization that is  
16 representative of a community or a signifi-  
17 cant segment of a community and provides  
18 activities for individuals described in sub-  
19 paragraph (A) or (B) of section 101(12),  
20 such as a scouting or sports organiza-  
21 tion.”.

22 (b) SCHEDULE.—Section 102(b)(1) of such Act (29  
23 U.S.C. 2612(b)(1)) is amended by inserting after the third  
24 sentence the following new sentence: “Leave under sub-

1 section (a)(5) may be taken intermittently or on a reduced  
2 leave schedule.”.

3 (c) SUBSTITUTION OF PAID LEAVE.—Section  
4 102(d)(2) of such Act (29 U.S.C. 2612(d)(2)) is amended  
5 by adding at the end the following new subparagraph:

6 “(C) PARENTAL INVOLVEMENT LEAVE AND  
7 FAMILY WELLNESS LEAVE.—An eligible em-  
8 ployee may elect, or an employer may require  
9 the employee, to substitute any of the accrued  
10 paid vacation leave, personal leave, or family  
11 leave of the employee for any leave under sub-  
12 section (a)(5). In addition, an eligible employee  
13 may elect, or an employer may require the em-  
14 ployee, to substitute any of the accrued paid  
15 medical or sick leave of the employee for leave  
16 provided under clause (ii) of subsection  
17 (a)(5)(A) for any part of the leave under such  
18 clause, except that nothing in this title shall re-  
19 quire an employer to provide paid sick leave or  
20 paid medical leave in any situation in which  
21 such employer would not normally provide any  
22 such paid leave. If the employee elects or the  
23 employer requires the substitution of accrued  
24 paid leave for leave provided under subsection  
25 (a)(5)(A), the employer shall not restrict or

1           limit this substitution or impose any additional  
2           terms and conditions on such leave that are  
3           more stringent on the employee than the terms  
4           and conditions set forth in this Act.”.

5           (d) NOTICE.—Section 102(e) of such Act (29 U.S.C.  
6 2612(e)) is amended by adding at the end the following  
7 new paragraph:

8           “(4) NOTICE RELATING TO PARENTAL IN-  
9           VOLVEMENT AND FAMILY WELLNESS LEAVE.—In  
10          any case in which an employee requests leave under  
11          paragraph (5) of subsection (a), the employee  
12          shall—

13                 “(A) provide the employer with not less  
14                 than 7 days’ notice or as much notice as is  
15                 practicable before the date the leave is to be  
16                 taken, of the employee’s intention to take leave  
17                 under such paragraph; and

18                 “(B) in the case of leave to be taken under  
19                 subparagraph (A)(ii), make a reasonable effort  
20                 to schedule the leave so as not to disrupt un-  
21                 duly the operations of the employer, subject to  
22                 the approval of the health care provider in-  
23                 volved (if any).”.

1 (e) CERTIFICATION.—Section 103 of such Act (29  
2 U.S.C. 2613) is amended by adding at the end the fol-  
3 lowing new subsection:

4 “(g) CERTIFICATION RELATED TO PARENTAL IN-  
5 VOLVEMENT AND FAMILY WELLNESS LEAVE.—An em-  
6 ployer may require that a request for leave under section  
7 102(a)(5) be supported by a certification issued at such  
8 time and in such manner as the Secretary may by regula-  
9 tion prescribe.”.

10 (f) DEFINITION OF GRANDCHILD.—Section 101 of  
11 the Family and Medical Leave Act of 1993 (29 U.S.C.  
12 2611) is amended by adding at the end the following new  
13 paragraph:

14 “(14) GRANDCHILD.—The term ‘grandchild’  
15 means a son or daughter of an employee’s son or  
16 daughter.”.

17 **SEC. 4. ENTITLEMENT OF FEDERAL EMPLOYEES TO LEAVE**  
18 **FOR PARENTAL INVOLVEMENT AND FAMILY**  
19 **WELLNESS.**

20 (a) LEAVE REQUIREMENT.—Section 6382(a) of title  
21 5, United States Code, is amended by adding at the end  
22 the following new paragraph:

23 “(5)(A) Subject to subparagraph (B)(i) and section  
24 6383(f), an employee shall be entitled to leave under this  
25 paragraph to—

1           “(i) participate in or attend an activity that is  
2 sponsored by a school or community organization  
3 and relates to a program of the school or organiza-  
4 tion that is attended by a son or daughter or a  
5 grandchild of the employee; or

6           “(ii) meet routine family medical care needs, in-  
7 cluding for medical and dental appointments of a  
8 son, daughter, spouse, or grandchild of the em-  
9 ployee, or to attend to the care needs of elderly indi-  
10 viduals who are related to the eligible employee, in-  
11 cluding visits to nursing homes and group homes.

12       “(B)(i) An employee is entitled to—

13           “(I) not to exceed 4 hours of leave under this  
14 paragraph during any 30-day period; and

15           “(II) not to exceed 24 hours of leave under this  
16 paragraph during any 12-month period.

17       “(ii) Leave under this paragraph shall be in addition  
18 to any leave provided under any other paragraph of this  
19 subsection.

20       “(C) For the purpose of this paragraph—

21           “(i) the term ‘school’ means an elementary  
22 school or secondary school (as such terms are de-  
23 fined in section 9101 of the Elementary and Sec-  
24 ondary Education Act of 1965), a Head Start pro-



1       gram assisted under the Head Start Act, and a child  
2       care facility licensed under State law; and

3               “(ii) the term ‘community organization’ means  
4       a private nonprofit organization that is representa-  
5       tive of a community or a significant segment of a  
6       community and provides activities for individuals de-  
7       scribed in subparagraph (A) or (B) of section  
8       6381(6), such as a scouting or sports organization.”.

9       (b) SCHEDULE.—Section 6382(b)(1) of such title is  
10      amended—

11              (1) by inserting after the second sentence the  
12      following new sentence: “Leave under subsection  
13      (a)(5) may be taken intermittently or on a reduced  
14      leave schedule.”; and

15              (2) in the last sentence, by striking “involved,”  
16      and inserting “involved (or, in the case of leave  
17      under subsection (a)(5), for purposes of any 30-day  
18      or 12-month period),”.

19      (c) SUBSTITUTION OF PAID LEAVE.—Section  
20      6382(d) of such title is amended—

21              (1) by inserting “(1)” after the subsection des-  
22      ignation; and

23              (2) by adding at the end the following:

24              “(2) An employee may elect to substitute for leave  
25      under subsection (a)(5), any of the employee’s accrued or

1 accumulated annual or sick leave under subchapter I. If  
2 the employee elects to substitute accumulated annual or  
3 sick leave for leave provided under subsection (a)(5), the  
4 employing agency shall not restrict or limit this substi-  
5 tution or impose any additional terms and conditions on  
6 such leave that are more stringent on the employee than  
7 the terms and conditions set forth in this subchapter.”.

8 (d) NOTICE.—Section 6382(e) of such title is amend-  
9 ed by adding at the end the following new paragraph:

10 “(3) In any case in which an employee requests leave  
11 under paragraph (5) of subsection (a), the employee  
12 shall—

13 “(A) provide the employing agency with not less  
14 than 7 days’ notice, before the date the leave is to  
15 be taken, of the employee’s intention to take leave  
16 under such paragraph; and

17 “(B) in the case of leave to be taken under sub-  
18 paragraph (A)(ii), make a reasonable effort to  
19 schedule the leave so as not to disrupt unduly the  
20 operations of the employer, subject to the approval  
21 of the health care provider involved (if any).”.

22 (e) CERTIFICATION.—Section 6383(f) of such title is  
23 amended by striking “6382(a)(3)” and inserting “para-  
24 graph (3) or (5) of section 6382(a)”.

1 (f) DEFINITION OF GRANDCHILD.—Section 6381 of  
2 title 5, United States Code, is amended—

3 (1) in paragraph (10), by striking “and” at the  
4 end;

5 (2) in paragraph (11), by striking the period at  
6 the end and inserting “; and”; and

7 (3) by adding at the end the following new  
8 paragraph:

9 “(12) the term ‘grandchild’ means a son or  
10 daughter of an employee’s son or daughter.”.

○