

119TH CONGRESS  
1ST SESSION

# H. R. 4763

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2025

Mr. MAGAZINER (for himself, Ms. ADAMS, Ms. BUDZINSKI, Mr. CARSON, Mr. CASAR, Mr. CLEAVER, Ms. CROCKETT, Mr. DAVIS of Illinois, Mr. DELUZIO, Mrs. DINGELL, Mr. EVANS of Pennsylvania, Mr. FIELDS, Mr. FROST, Mr. GARCIA of California, Ms. GARCIA of Texas, Mr. GARCÍA of Illinois, Mr. GOLDMAN of New York, Mr. GOMEZ, Mrs. HAYES, Ms. NORTON, Ms. HOYLE of Oregon, Ms. JAYAPAL, Mr. KHANNA, Mr. KRISHNAMOORTHY, Mr. LYNCH, Mr. MCGOVERN, Mr. MENENDEZ, Ms. MENG, Mr. MULLIN, Mr. NADLER, Mr. NEGUSE, Ms. OCASIO-CORTEZ, Ms. OMAR, Mr. POCAN, Mrs. RAMIREZ, Ms. SÁNCHEZ, Ms. SCHAKOWSKY, Ms. STANSBURY, Ms. TITUS, Ms. TLAIB, Mrs. WATSON COLEMAN, Ms. WILLIAMS of Georgia, and Mr. TONKO) introduced the following bill; which was referred to the Committee on Education and Workforce, and in addition to the Committees on House Administration, Oversight and Government Reform, the Judiciary, and Transportation and Infrastructure, 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 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protected Time Off  
3 Act” or the “PTO Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **COMMERCE.**—The terms “commerce” and  
7 “industry or activity affecting commerce” mean any  
8 activity, business, or industry in commerce or in  
9 which a labor dispute would hinder or obstruct com-  
10 merce or the free flow of commerce, and include  
11 “commerce” and any “industry affecting com-  
12 merce”, as defined in paragraphs (1) and (3) of sec-  
13 tion 501 of the Labor Management Relations Act,  
14 1947 (29 U.S.C. 142(1) and (3)).

15 (2) **COVERED EMPLOYEE.**—The term “covered  
16 employee” means an individual who is—

17 (A)(i) an employee who is not covered  
18 under any other provision of this paragraph, ex-  
19 cept that a reference in such section to an em-  
20 ployer shall be considered a reference to an em-  
21 ployer described in paragraph (3)(A)(i)(I);

22 (ii) an employee of the Government  
23 Accountability Office; or

24 (iii) an employee of a covered em-  
25 ployer described in paragraph  
26 (3)(B)(i)(IV);

1 (B) a State employee described in section  
2 304(a) of the Government Employee Rights Act  
3 of 1991 (42 U.S.C. 2000e-16c(a)), other than  
4 an applicant for employment;

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

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

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

15 (3) EMPLOYER.—

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

18 (i)(I) a covered employer who is not  
19 described in any other subclause of this  
20 clause;

21 (II) an entity employing a State em-  
22 ployee described in section 304(a) of the  
23 Government Employee Rights Act of 1991;

1 (III) an employing office, as defined  
2 in section 101 of the Congressional Ac-  
3 countability Act of 1995;

4 (IV) an employing office, as defined in  
5 section 411(c) of title 3, United States  
6 Code; or

7 (V) an employing agency covered  
8 under subchapter V of chapter 63 of title  
9 5, United States Code; and

10 (ii) engaged in commerce (including gov-  
11 ernment), or any industry or activity affecting  
12 commerce (including government).

13 (B) COVERED EMPLOYER.—

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

16 (I) means any person engaged in  
17 commerce or in any industry or activ-  
18 ity affecting commerce who employs 1  
19 or more employees for each working  
20 day during each of 20 or more cal-  
21 endar workweeks in the current or  
22 preceding year;

23 (II) includes the Government Ac-  
24 countability Office and the Library of  
25 Congress;

1 (III) includes—

2 (aa) any person who acts,  
3 directly or indirectly, in the inter-  
4 est of an employer covered by  
5 this clause to any of the employ-  
6 ees of such employer; and

7 (bb) any successor in inter-  
8 est of such an employer; and

9 (IV) includes any carrier (as such  
10 term is defined in section 1 of the  
11 Railway Labor Act (45 U.S.C. 151))  
12 and any carrier by air (as described in  
13 section 201 of such Act (45 U.S.C.  
14 181)).

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

22 (C) PREDECESSORS.—Any reference in  
23 this paragraph to an employer shall include a  
24 reference to any predecessor of such employer.

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

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

7                   (A) means paid vacation leave and paid  
8                   personal leave provided to an employee by the  
9                   employer of such employee to be used during  
10                  period in which the employee would otherwise  
11                  work; and

12                  (B) does not include—

13                          (i) paid or unpaid family and medical  
14                          leave provided by the employer or required  
15                          by Federal, State, or local law;

16                          (ii) leave provided under the Family  
17                          and Medical Leave Act of 1993 (29 U.S.C.  
18                          2601, et seq.);

19                          (iii) sick leave provided by the em-  
20                          ployer or required by Federal, State, or  
21                          local law;

22                          (iv) bereavement leave provided by the  
23                          employer or required by Federal, State or  
24                          local law;

1 (v) leave provided by the employer or  
2 required by Federal State, or local law for  
3 purposes related to adoption or fostering of  
4 a child;

5 (vi) leave related to domestic violence,  
6 sexual assault, or stalking provided by the  
7 employer or required by Federal, State, or  
8 local law;

9 (vii) leave provided by the employer or  
10 required by Federal, State, or local law  
11 with respect to a public health emergency;

12 (viii) absence or paid leave under  
13 workers' compensation or a disability plan;

14 (ix) leave provided by the employer or  
15 leave required to be provided by Federal,  
16 State, or local law for holidays established  
17 by Federal, State, or local law; or

18 (x) leave provided by the employer or  
19 required by Federal, State, or local law for  
20 jury duty, civic duty, or to vote.

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

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

1 **SEC. 3. EARNED ANNUAL LEAVE.**

2 (a) **EARNING OF PAID ANNUAL LEAVE.**—

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

7 (2) **LIMITATION.**—

8 (A) **IN GENERAL.**—For purposes of com-  
9 plying with paragraph (1), an employer may  
10 not be required to provide more than 80 hours  
11 of paid annual leave to an employee during any  
12 12-month period.

13 (B) **RULE OF CONSTRUCTION.**—Nothing in  
14 this section may be construed to preclude an  
15 employer from providing more than 80 hours of  
16 paid annual leave.

17 (3) **COMMENCEMENT OF EARNING PAID AN-**  
18 **NUAL LEAVE.**—An employee shall begin to earn paid  
19 annual leave at the commencement of employment of  
20 such employee.

21 (4) **OVERTIME EXEMPT EMPLOYEE.**—For pur-  
22 poses of this section, where an employer is not re-  
23 quired by the Fair Labor Standards Act of 1938 to  
24 maintain and preserve records of hours worked be-  
25 cause an employee is exempt from minimum wage or  
26 overtime requirements under such Act (29 U.S.C.

1 213(a)), the employee shall be deemed to work 40  
2 hours in each workweek.

3 (b) USE OF PAID ANNUAL LEAVE.—

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

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

9 (3) RATE OF COMPENSATION.—

10 (A) IN GENERAL.—An employee using paid  
11 annual leave shall be compensated, for the pe-  
12 riod that the employee is using such leave, at  
13 the regular rate at which the employee would  
14 have been paid for such period if the employee  
15 were not using paid annual leave.

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

24 (i) the Federal minimum wage;

- 1 (ii) the applicable State minimum  
2 wage;  
3 (iii) the applicable local or municipal  
4 minimum wage;  
5 (iv) any other wage required by law;  
6 or  
7 (v) the regular rate at which the em-  
8 ployee is employed.

9 (4) LOANING OF ANNUAL LEAVE.—

10 (A) LOANED LEAVE.—An employer may  
11 loan paid annual leave to an employee for use  
12 by such employee in advance of the employee  
13 earning such annual leave.

14 (B) REIMBURSEMENT FOR LOANED  
15 LEAVE.—An employer may require an employee  
16 of such employer to reimburse the employer for  
17 any annual leave loaned under subparagraph  
18 (A) that such employee has not earned at the  
19 time of separation. Such reimbursement shall  
20 be at the rate described in paragraph (3).

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

24 (A) hourly increments; or

1 (B) the smallest increment of time that the  
2 employer's payroll system uses to account for  
3 absences or use of other time.

4 (6) BENEFITS RETAINED DURING LEAVE.—An  
5 employer shall maintain any employment benefits  
6 (as defined in section 101(5) of the Family and  
7 Medical Leave Act of 1993) provided to an employee  
8 during any period in which the employee takes paid  
9 annual leave, and such benefits shall be provided in  
10 the same manner as if the employee had continued  
11 in employment continuously for the duration of such  
12 leave.

13 (c) PROCEDURES FOR USE OF PAID ANNUAL  
14 LEAVE.—

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

18 (2) EMPLOYEE NOTIFICATION.—

19 (A) EMPLOYEE NOTIFICATION.—An em-  
20 ployee shall provide notice to the employer to  
21 use paid annual leave.

22 (B) NOTICE DESCRIBED.—The Secretary  
23 shall create sample notices for the purpose de-  
24 scribed in subparagraph (A).

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

5 (D) UNFORESEEABLE USE OF LEAVE.—In  
6 the case of an unforeseeable use of leave, an  
7 employee shall not be required to provide the  
8 notice required under subparagraph (A).

9 (3) REASONABLE RESTRICTIONS.—

10 (A) IN GENERAL.—An employer may place  
11 limited, reasonable restrictions for the sched-  
12 uling of paid annual leave for a bona fide busi-  
13 ness reason and may reject a scheduling request  
14 for such leave for a bona fide business reason,  
15 so long as the employer—

16 (i) provides other reasonable alter-  
17 native times, as described in subparagraph  
18 (B), for the employee to schedule such  
19 leave; and

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

22 (B) REASONABLE ALTERNATIVES.—A rea-  
23 sonable alternative time described in this sub-  
24 paragraph is a date other than the date the em-

1           employee requested to use paid annual leave that  
2           is within 30 days of such date.

3           (C) DENIAL NOTICE.—In the case that an  
4           employer denies a request of an employee to use  
5           paid annual leave, the employer shall, not later  
6           than 5 business days after the day the employee  
7           made such request, provide to the employee a  
8           written notice—

9                   (i) detailing the bona fide business  
10                   reason for such denial; and

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

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

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

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

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

6           (7) GUIDANCE.—Not later than 180 after the  
7           date of enactment of this Act, the Secretary shall  
8           provide guidance to employers on compliance with  
9           paragraph (3), including defining the terms limited  
10          reasonable restriction, a bona fide business reason,  
11          and a reasonable alternative time.

12          (d) PROCEDURES REGARDING LEAVE FOR EM-  
13          PLOYEE SEPARATION.—

14               (1) COMPENSATION.—In the case that an em-  
15               ployee separates from an employer and such em-  
16               ployee has unused paid annual leave, the employer  
17               shall provide financial compensation at a rate that  
18               is the higher of—

19                       (A) the average regular rate received by  
20                       such employee during the last 3 years of the  
21                       employee’s employment; or

22                       (B) the final regular rate received by the  
23                       employee.

24               (2) REINSTATEMENT.—If an employee sepa-  
25               rates from employment with an employer and is re-

1 hired within 12 months after that separation by the  
2 same employer—

3 (A) in the case that the employee had paid  
4 annual leave in excess of 80 hours that was not  
5 compensated under paragraph (1), the employer  
6 shall reinstate such leave for the employee; and

7 (B) the employee shall be entitled to use  
8 such leave and earn additional paid annual  
9 leave at the recommencement of employment  
10 with the employer.

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

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

16 (1) providing such information, in writing, to  
17 each employee on or before the first day of employ-  
18 ment of such employee;

19 (2) including such information in any employee  
20 handbook; and

21 (3) posting a notice containing such informa-  
22 tion in a physical conspicuous place on the premises  
23 of the employer or a virtual conspicuous place, where  
24 notices to employees are customarily posted.

1 (b) CONTENTS.—The information provided pursuant  
2 to subsection (a) shall include—

3 (1) any paid annual leave policy of such em-  
4 ployer, including any paid annual leave policy that  
5 provides paid annual leave in excess of the require-  
6 ments of this Act;

7 (2) information pertaining to the filing of an  
8 action under section 6;

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

12 (4) information regarding—

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

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

19 (c) SYSTEM REQUIREMENT.—An employer shall es-  
20 tablish a system, such as through an online portal, written  
21 request, or through pay stubs, to inform each employee  
22 of the employer how much paid annual leave each em-  
23 ployee has earned.

1 **SEC. 5. PROHIBITED ACTS.**

2 (a) INTERFERENCE WITH RIGHTS.—It shall be un-  
3 lawful for any employer to—

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

5 (2) discharge or discriminate against (including  
6 to retaliate against) any individual, including a job  
7 applicant, for exercising, or attempting to exercise,  
8 any right provided under this Act;

9 (3) use the taking of paid annual leave provided  
10 under this Act as a negative factor in an employ-  
11 ment action, such as hiring, promotion, reducing  
12 hours or numbers of shifts, or a disciplinary action;  
13 or

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

17 (b) INTERFERENCE WITH PROCEEDINGS OR INQUIR-  
18 IES.—It shall be unlawful for any person to discharge or  
19 in any other manner discriminate against (including retali-  
20 ating against) any individual, including a job applicant,  
21 because such individual—

22 (1) has filed an action under section 6, or has  
23 instituted or caused to be instituted any proceeding,  
24 under this Act;

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

4           (3) has testified, or intends to testify, in any in-  
5           quiry or proceeding relating to any right provided  
6           under this Act.

7           (c) IMPERMISSIBLE CONSIDERATION.—A violation of  
8           subsection (a) or (b) shall be established when a com-  
9           plaining party demonstrates that any action described in  
10          paragraphs (1), (2), or (3) of subsections (a) or (b) was  
11          a motivating factor in any such action taken against the  
12          complaining party, even though other factors also moti-  
13          vated the action.

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

15          (a) IN GENERAL.—

16               (1) DEFINITION.—In this subsection—

17                       (A) the term “employee” means a covered  
18                       employee described in subparagraph (A), (B),  
19                       or (C) of section 2(2); and

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

23               (2) INVESTIGATIVE AUTHORITY.—

24                       (A) IN GENERAL.—To ensure compliance  
25                       with this Act, or any regulation or order issued

1 under this Act, the Secretary shall have, subject  
2 to subparagraph (C), the investigative authority  
3 provided under section 11(a) of the Fair Labor  
4 Standards Act of 1938 (29 U.S.C. 211(a)),  
5 with respect to employers, employees, and other  
6 individuals affected by an employer.

7 (B) OBLIGATION TO KEEP AND PRESERVE  
8 RECORDS.—An employer shall make, keep, and  
9 preserve records pertaining to compliance with  
10 this Act in accordance with section 11(c) of the  
11 Fair Labor Standards Act of 1938 (29 U.S.C.  
12 211(c)) and in accordance with regulations pre-  
13 scribed by the Secretary.

14 (C) REQUIRED SUBMISSIONS GENERALLY  
15 LIMITED TO AN ANNUAL BASIS.—The Secretary  
16 may not require an employer to submit to the  
17 Secretary any books or records more than once  
18 during any 12-month period, unless the Sec-  
19 retary has reasonable cause to believe there  
20 may exist a violation of this act or any regula-  
21 tion or order issued pursuant to this Act, or is  
22 investigating a charge pursuant to paragraph  
23 (4).

24 (D) SUBPOENA AUTHORITY.—For the pur-  
25 poses of any investigation provided for in this

1 paragraph, the Secretary shall have the sub-  
2 poena authority provided for under section 9 of  
3 the Fair Labor Standards Act of 1938 (29  
4 U.S.C. 209).

5 (3) PRIVATE RIGHT OF ACTION.—

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

12 (i) the employee or individual; or

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

15 (B) LIABILITY.—Any employer who vio-  
16 lates section 5 shall be liable to any employee  
17 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 subsection 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 subparagraph (B), an action may be  
25 brought under paragraph (2) or (3) not

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

4 (ii) WILLFUL VIOLATION.—In the  
5 case of an action brought for a willful vio-  
6 lation of section 5 (including a willful vio-  
7 lation relating to rights provided under  
8 section 3), such action may be brought not  
9 more 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 paragraph (2) or (3) for the pur-  
15 poses of this subsection, the action shall be  
16 considered to be commenced on the date  
17 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).

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 sums not paid to an employee or individual  
13 affected because of the inability to do so within  
14 a period of 3 years shall be deposited into the  
15 Treasury of the United States as miscellaneous  
16 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, reinstatements, and promotion.

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

11               (b) GOVERNMENT ACCOUNTABILITY OFFICE AND LI-  
12               BRARY OF CONGRESS.—Notwithstanding any other provi-  
13               sion of this section, in the case of the Government Ac-  
14               countability Office and the Library of Congress, the au-  
15               thority of the Secretary under this subsection shall be ex-  
16               ercised respectively by the Comptroller General of the  
17               United States and the Librarian of Congress.

18               (c) EMPLOYEES COVERED BY CONGRESSIONAL AC-  
19               COUNTABILITY ACT OF 1995.—The powers, remedies, and  
20               procedures provided in the Congressional Accountability  
21               Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as de-  
22               fined in section 101 of that Act (2 U.S.C. 1301)), or any  
23               person, alleging a violation of section 202(a)(1) of that  
24               Act (2 U.S.C. 1312(a)(1)) shall be the powers, remedies,  
25               and procedures this Act provides to that Board, or any

1 person, alleging an unlawful employment practice in viola-  
2 tion of this Act against an employee described in section  
3 2(2)(D).

4 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE  
5 5, UNITED STATES CODE.—The powers, remedies, and  
6 procedures provided in title 5, United States Code, to an  
7 employing agency, provided in chapter 12 of that title to  
8 the Merit Systems Protection Board, or provided in that  
9 title to any person, alleging a violation of chapter 63 of  
10 that title, shall be the powers, remedies, and procedures  
11 this Act provides to that agency, that Board, or any per-  
12 son, respectively, alleging an unlawful employment prac-  
13 tice in violation of this Act against an employee described  
14 in section 2(2)(E).

15 (e) REMEDIES FOR STATE EMPLOYEES.—

16 (1) WAIVER OF SOVEREIGN IMMUNITY.—A  
17 State's receipt or use of Federal financial assistance  
18 for any program or activity of a State shall con-  
19 stitute a waiver of sovereign immunity, under the  
20 11th Amendment of the Constitution or otherwise,  
21 to a suit brought by an employee of that program  
22 or activity under this Act for equitable, legal, or  
23 other relief authorized under this Act.

24 (2) OFFICIAL CAPACITY.—An official of a State  
25 may be sued in the official capacity of the official by

1 any employee who has complied with the procedures  
2 of subsection (a)(3), for injunctive relief that is au-  
3 thorized under this Act. In such a suit, the court  
4 may award to the prevailing party those costs au-  
5 thorized by section 722 of the Revised Statutes (42  
6 U.S.C. 1988).

7 (3) **APPLICABILITY.**—With respect to a par-  
8 ticular program or activity, paragraph (1) applies to  
9 conduct occurring on or after the day, after the date  
10 of enactment of this Act, on which a State first re-  
11 ceives or uses Federal financial assistance for that  
12 program or activity.

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

17 (f) **COLLECTIVE BARGAINING AGREEMENT RESOLU-**  
18 **TION.**—In addition to the enforcement mechanisms set  
19 forth in this section, an employee or labor organization  
20 may also use a grievance and arbitration procedure of a  
21 collective bargaining agreement to enforce collectively bar-  
22 gained provisions relating to paid annual leave.

23 **SEC. 7. EFFECT ON OTHER LAWS AND EXISTING AGREE-**  
24 **MENTS.**

25 (a) **STATE OR MUNICIPAL LAWS.**—

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

6           (2) DISTINGUISH BETWEEN TYPES OF  
7 LEAVE.—For the purposes of this subsection, a  
8 State or municipal law that does not distinguish be-  
9 tween time earned for paid annual leave and time  
10 earned for sick leave shall be deemed a law that pro-  
11 vides lesser paid annual leave or other rights to em-  
12 ployees or individuals than the rights established  
13 under this Act.

14          (b) MORE PROTECTIVE AGREEMENTS.—Nothing in  
15 this Act shall be construed to diminish the obligation of  
16 an employer to comply with any contract, collective bar-  
17 gaining agreement, or any employment benefit program  
18 or plan that provides greater paid annual leave or other  
19 leave rights to employees or individuals than the rights  
20 established under this Act.

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

1 **SEC. 8. AWARENESS CAMPAIGN.**

2 (a) IN GENERAL.—Not later than 1 year after the  
3 date of enactment of this Act, the Secretary shall carry  
4 out a public awareness campaign to inform the public  
5 about the paid annual leave established under this Act,  
6 which shall include information about—

7 (1) the rights provided to an employee under  
8 this Act; and

9 (2) resources available to an employee if the  
10 employee believes the rights provided under this act  
11 have been violated.

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

15 **SEC. 9. EFFECTIVE DATES.**

16 (a) EFFECTIVE DATE.—This Act shall take effect  
17 180 days after the date of enactment of this Act.

18 (b) COLLECTIVE BARGAINING AGREEMENTS.—In the  
19 case of a collective bargaining agreement in effect on the  
20 effective date prescribed under subsection (a), the Act  
21 shall take effect on the earlier of—

22 (1) the date of the termination of such agree-  
23 ment;

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

- 1           (3) the date that occurs 18 months after such
- 2           effective date.

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