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H. R. 6786

To permit employees to request changes to their work schedules without fear of retaliation and to ensure that employers consider these requests, and to require employers to provide more predictable and stable schedules for employees in certain occupations with evidence of unpredictable and unstable scheduling practices that negatively affect employees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 17, 2025

Ms. DELAURO (for herself, Ms. ADAMS, Ms. ANSARI, Mrs. BEATTY, Ms. BONAMICI, Ms. BUDZINSKI, Mr. CARSON, Mr. CASAR, Ms. CHU, Mr. CLEAVER, Mr. DAVIS of Illinois, Mr. DESAULNIER, Mr. DELUZIO, Mrs. DINGELL, Mr. DOGGETT, Mr. EVANS of Pennsylvania, Mrs. FOUSHEE, Mr. GARCÍA of Illinois, Mr. GARCIA of California, Mr. GOLDMAN of New York, Ms. NORTON, Ms. JAYAPAL, Mr. KRISHNAMOORTHY, Mr. LARSON of Connecticut, Ms. LEE of Pennsylvania, Mr. LIEU, Mr. LYNCH, Mr. MAGAZINER, Mr. MCGOVERN, Ms. MCCLELLAN, Ms. MOORE of Wisconsin, Mr. NADLER, Mr. NORCROSS, Ms. OCASIO-CORTEZ, Ms. OMAR, Ms. PINGREE, Mr. POCAN, Mrs. RAMIREZ, Ms. SALINAS, Ms. SCHAKOWSKY, Mr. TAKANO, Mr. THOMPSON of Mississippi, Ms. TLAIB, Ms. TOKUDA, Ms. UNDERWOOD, Ms. WILSON of Florida, and Ms. SIMON) 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, and the Judiciary, 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

A BILL

To permit employees to request changes to their work schedules without fear of retaliation and to ensure that employers consider these requests, and to require employers

to provide more predictable and stable schedules for employees in certain occupations with evidence of unpredictable and unstable scheduling practices that negatively affect 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; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Schedules That Work Act”.

6 (b) FINDINGS.—Congress finds the following:

7 (1) The vast majority of the United States
8 workforce today is juggling responsibilities at home
9 and at work. In families with children, 45 percent of
10 mothers are primary breadwinners and 25 percent
11 are co-breadwinners.

12 (2) Despite the dual responsibilities of today’s
13 workforce, many workers have little notice of their
14 work schedules and lack the ability to make changes
15 to the work hours in such schedules, which under-
16 mines their ability to accommodate family respon-
17 sibilities.

18 (3)(A) Mothers working in low-paid jobs are
19 more likely to be the primary or sole breadwinner for
20 their families than mothers working in higher-paid
21 jobs. For example, almost 90 percent mothers in the
22 $\frac{1}{5}$ of households in the United States with the low-

1 est incomes bring home all or most of their families'
2 income, which is almost 3 times higher when com-
3 pared to counterparts in the highest-income quintile.

4 (B) At the same time, low-paid workers often
5 have the least control over their work hours and face
6 the most unpredictable schedules. In some indus-
7 tries, “just-in-time” scheduling practices, which base
8 workers’ schedules on perceived consumer demand to
9 minimize labor costs, are particularly common. Em-
10 ployers using these practices often post work sched-
11 ules with little notice, vary work hours widely from
12 week to week, cancel shifts at the last minute, and
13 schedule employees for “on call” shifts (requiring an
14 employee to call in to work to find out whether the
15 employee will have to work later that day) or
16 “clopening” shifts (requiring an employee to work a
17 closing shift at night followed by an opening shift a
18 few hours later). For example, national survey data
19 show that—

20 (i) about $\frac{2}{3}$ of hourly retail and food serv-
21 ice workers receive their work schedules with
22 less than 2 weeks’ advance notice and about $\frac{1}{3}$
23 receive their schedule with less than 1 week’s
24 notice;

1 (ii) more than 1 in 5 hourly retail and food
2 service workers have been scheduled for on-call
3 shifts, and more than 1 in 3 have worked
4 “clopensing” shifts; and

5 (iii) 65 percent of hourly retail and food
6 service workers would like a more stable and
7 predictable schedule.

8 (4) Unfair work scheduling practices make it
9 difficult for low-paid workers to—

10 (A) provide necessary care for children and
11 other family members, including securing and
12 maintaining stable child care;

13 (B) access and receive needed care for the
14 workers’ own serious health conditions;

15 (C) pursue workforce training;

16 (D) get or keep a second job, which many
17 workers need to make ends meet;

18 (E) plan for and access transportation to
19 reach worksites; and

20 (F) qualify for and maintain eligibility for
21 needed public benefits and work supports, such
22 as child care subsidies, Medicaid, and benefits
23 under the supplemental nutrition assistance
24 program, due to fluctuations in income and
25 work hours.

1 (5) A growing body of research demonstrates
2 that unstable and unpredictable work schedules have
3 significant detrimental impacts on sleep quality,
4 mental health, and happiness, and are associated
5 with unstable child care arrangements and negative
6 health and behavioral outcomes for children. And
7 impacts are likely to be the most severe for workers
8 of color and their families, as workers of color are
9 more likely than their White counterparts—even
10 compared to White coworkers at the same com-
11 pany—to experience unstable work schedules. Unsta-
12 ble and unpredictable work schedules are also associ-
13 ated with higher rates of turnover, which creates
14 further instability for employers and workers. Some
15 examples of the detrimental impacts of unstable and
16 unpredictable work schedules are as follows:

17 (A) Unstable work schedules lead to more
18 household economic strain and time conflicts
19 and undermine the well-being of parents, all of
20 which can negatively impact children’s health
21 and behavior.

22 (B) Workers with the most severe insta-
23 bility in their work schedules also face the high-
24 est risk of negative behavior and health out-
25 comes for their children.

1 (C) The exposure of a parent to on-call
2 shifts and last-minute shift changes are associ-
3 ated with more unstable child care arrange-
4 ments and with the use of siblings to provide
5 care.

6 (D) Work schedule instability causes more
7 work-family conflict, which increases the chance
8 that a worker will be forced to leave his or her
9 job, and is associated with downward mobility
10 of the earnings of the worker.

11 (E)(i) Relative to White workers, workers
12 of color are more likely to—

13 (I) have cancelled shifts;

14 (II) have on-call shifts;

15 (III) be involuntary part-time work-
16 ers;

17 (IV) have trouble getting time off;

18 and

19 (V) work “clopensing” shifts, as de-
20 scribed in paragraph (3)(B).

21 (ii) The statistics described in clause (i) re-
22 main true after controlling for demographics,
23 human capital, worker power, firm segregation,
24 and discordance with the race or ethnicity of

1 the worker and the manager. Race gaps in job
2 quality are greater for women of color.

3 (F) Workers who receive shorter advance
4 notice, who work on-call shifts, who experience
5 last-minute shift cancellation and timing
6 changes, or who have more volatile work hours
7 are more likely to experience hunger, housing
8 insecurity, and greater overall economic hard-
9 ship.

10 (6) Unpredictable and unstable work schedules
11 are common in a wide range of occupations, with
12 evidence of particular concentration in food service,
13 retail, cleaning, hospitality, and warehouse occupa-
14 tions. These occupations are critically important to
15 the United States economy.

16 (7) Since 2015, ten municipalities in the United
17 States and the State of Oregon have enacted laws
18 requiring employers to implement fair scheduling
19 practices. Research from 3 municipalities affirms
20 that workers in jobs covered by these laws report
21 significantly better outcomes than their peers in un-
22 covered positions, including more predictable sched-
23 ules and compensation for employer-driven schedule
24 changes. Survey research also indicates that covered

1 workers experience improvements in well-being and
2 financial security.

3 (8) Scheduling practices that benefit employees
4 can benefit employers, too. Relative to their peers
5 with lower-quality schedules, workers with more
6 input, stability, and predictability in their work
7 hours report greater job satisfaction and less work
8 family-conflict, which can also improve productivity
9 and reduce turnover. For example, a randomized ex-
10 periment demonstrated that improving schedule sta-
11 bility and predictability for hourly employees at Gap
12 Inc. stores increased store productivity and sales.

13 (9) This Act is a first step in responding to the
14 needs of workers for a voice in the timing of their
15 work hours and for more predictable schedules.

16 **SEC. 2. DEFINITIONS.**

17 In this Act:

18 (1) BONA FIDE BUSINESS REASON.—The term
19 “bona fide business reason” means—

20 (A) the identifiable burden of additional
21 costs to an employer, including the cost of pro-
22 ductivity loss, retraining or hiring employees, or
23 transferring employees from one facility to an-
24 other facility;

1 (B) a significant detrimental effect on the
2 employer's ability to meet organizational needs
3 or customer demand;

4 (C) a significant inability of the employer,
5 despite best efforts, to reorganize work among
6 existing (as of the date of the reorganization)
7 staff;

8 (D) a significant detrimental effect on
9 business performance;

10 (E) insufficiency of work during the peri-
11 ods an employee proposes to work;

12 (F) the need to balance competing sched-
13 uling requests when it is not possible to grant
14 all such requests without a significant detri-
15 mental effect on the employer's ability to meet
16 organizational needs; or

17 (G) such other reason as may be specified
18 by the Secretary of Labor (or, as applicable, the
19 corresponding administrative officer specified in
20 section 7(e)).

21 (2) CAREER-RELATED EDUCATIONAL OR TRAIN-
22 ING PROGRAM.—The term “career-related edu-
23 cational or training program” means an educational
24 or training program or program of study offered by
25 a public, private, or nonprofit career and technical

1 education school, institution of higher education, or
2 other entity that provides academic education, career
3 and technical education, or training (including reme-
4 dial education or English as a second language, as
5 appropriate), that is a program that leads to a rec-
6 ognized postsecondary credential (as identified under
7 section 122(d) of the Workforce Innovation and Op-
8 portunity Act (29 U.S.C. 3152(d))), and provides
9 career awareness information. The term includes a
10 program allowable under the Workforce Innovation
11 and Opportunity Act (29 U.S.C. 3101 et seq.), the
12 Carl D. Perkins Career and Technical Education
13 Act of 2006 (20 U.S.C. 2301 et seq.), or the Higher
14 Education Act of 1965 (20 U.S.C. 1001 et seq.),
15 without regard to whether or not the program is
16 funded under the corresponding Act.

17 (3) CAREGIVER.—The term “caregiver” means
18 an individual with the status of being a significant
19 provider of—

20 (A) ongoing care or education, including
21 responsibility for securing the ongoing care or
22 education, of a child; or

23 (B) ongoing care, including responsibility
24 for securing the ongoing care, of—

1 (i) a person with a serious health con-
2 dition who is in a family relationship with
3 the individual; or

4 (ii) a parent of the individual, who is
5 age 65 or older.

6 (4) CHILD.—The term “child” means, regard-
7 less of age, a biological, adopted, or foster child, a
8 stepchild, a child of a domestic partner, a legal
9 ward, or a child of a person standing in loco
10 parentis to that child.

11 (5) COMMERCE TERMS.—The terms “com-
12 merce” and “industry or activity affecting com-
13 merce” have the meanings given the terms in section
14 101 of the Family and Medical Leave Act of 1993
15 (29 U.S.C. 2611).

16 (6) COVERED EMPLOYER.—

17 (A) IN GENERAL.—The term “covered em-
18 ployer”—

19 (i) means any person engaged in com-
20 merce or in any industry or activity affect-
21 ing commerce who employs 15 or more em-
22 ployees (described in paragraph (10)(A));

23 (ii) includes any person who acts, di-
24 rectly or indirectly, in the interest of such
25 an employer to any of the employees (de-

1 scribed in paragraph (10)(A)) of such em-
2 ployer;

3 (iii) includes any successor in interest
4 of such an employer; and

5 (iv) includes an agency described in
6 subparagraph (A)(iii) of section 101(4) of
7 the Family and Medical Leave Act of 1993
8 (29 U.S.C. 2611(4)), to which subpara-
9 graph (B) of such section shall apply.

10 (B) RULE.—For purposes of determining
11 the number of employees who work for a person
12 described in subparagraph (A)(i), all employees
13 (described in paragraph (10)(A)) performing
14 work for compensation on a full-time, part-time,
15 or temporary basis shall be counted, except that
16 if the number of such employees who perform
17 work for such a person for compensation fluc-
18 tuates, the number may be determined for a
19 calendar year based upon the average number
20 of such employees who performed work for the
21 person for compensation during the preceding
22 calendar year.

23 (C) PERSON.—In this paragraph, the term
24 “person” has the meaning given the term in

1 section 3 of the Fair Labor Standards Act of
2 1938 (29 U.S.C. 203).

3 (7) COVERED SECTOR EMPLOYEE.—The term
4 “covered sector employee” means—

5 (A) a nonexempt employee who is em-
6 ployed in a hospitality establishment, in a ware-
7 house establishment, or in any of the following
8 occupations, as described by the Bureau of
9 Labor Statistics Standard Occupational Classi-
10 fication System (as in effect on the day before
11 the date of enactment of this Act)—

12 (i) retail sales occupations consisting
13 of occupations described in 41–1010 and
14 41–2000, and all subdivisions thereof, of
15 such System, which includes first-line su-
16 pervisors of sales workers, cashiers, gam-
17 bling change persons and booth cashiers,
18 counter and rental clerks, parts sales-
19 persons, and retail salespersons;

20 (ii) food preparation and serving re-
21 lated occupations as described in 35–0000,
22 and all subdivisions thereof, of such Sys-
23 tem, which includes supervisors of food
24 preparation and serving workers, cooks
25 and food preparation workers, food and

1 beverage serving workers, and other food
2 preparation and serving related workers; or

3 (iii) cleaning occupations as described
4 in 37–2011, 37–2012, and 37–2019 of
5 such System, which includes janitors and
6 cleaners, maids and housekeeping cleaners,
7 and building cleaning workers; or

8 (B) a nonexempt employee who is em-
9 ployed in any occupation that is designated by
10 the Secretary under section 9(a)(2)(A) as ap-
11 propriate for coverage under section 4.

12 (8) DOMESTIC PARTNER.—The term “domestic
13 partner” means the individual recognized as being in
14 a relationship with an employee under any domestic
15 partnership, civil union, or similar law of the State
16 or political subdivision of a State in which the em-
17 ployee resides.

18 (9) EMPLOY.—The term “employ” has the
19 meaning given the term in section 3 of the Fair
20 Labor Standards Act of 1938 (29 U.S.C. 203).

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

23 (A) an employee, as defined in section 3(e)
24 of the Fair Labor Standards Act of 1938 (29

1 U.S.C. 203(e)), who is not described in any of
2 subparagraphs (B) through (G);

3 (B) a State employee described in section
4 304(a) of the Government Employee Rights Act
5 of 1991 (42 U.S.C. 2000e–16c(a));

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

10 (D) a covered employee, as defined in sec-
11 tion 411(c) of title 3, United States Code;

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

17 (F) an employee of the Library of Con-
18 gress; or

19 (G) an employee of the Government Ac-
20 countability Office.

21 (11) EMPLOYER.—The term “employer” means
22 a person—

23 (A) who is—

1 (i) a covered employer, as defined in
2 paragraph (6), who is not described in any
3 of clauses (ii) through (vii);

4 (ii) an entity employing a State em-
5 ployee described in section 304(a) of the
6 Government Employee Rights Act of 1991;

7 (iii) an employing office, as defined in
8 section 101 of the Congressional Account-
9 ability Act of 1995;

10 (iv) an employing office, as defined in
11 section 411(c) of title 3, United States
12 Code;

13 (v) an employing agency covered
14 under subchapter V of chapter 63 of title
15 5, United States Code;

16 (vi) the Librarian of Congress; or

17 (vii) the Comptroller General of the
18 United States; and

19 (B) who is engaged in commerce (including
20 government), in the production of goods for
21 commerce, or in an enterprise engaged in com-
22 merce (including government) or in the produc-
23 tion of goods for commerce.

24 (12) FAMILY RELATIONSHIP.—The term “fam-
25 ily relationship” means a relationship with—

1 (A) a child, spouse, domestic partner, par-
2 ent, grandchild, grandparent, sibling, or parent
3 of a spouse or domestic partner; or

4 (B) any individual related to the employee
5 involved by blood or affinity, whose close asso-
6 ciation with the employee is the equivalent of a
7 family relationship described in subparagraph
8 (A).

9 (13) GRANDCHILD.—The term “grandchild”
10 means the child of a child.

11 (14) GRANDPARENT.—The term “grandparent”
12 means the parent of a parent.

13 (15) HOSPITALITY ESTABLISHMENT.—The
14 term “hospitality establishment” means a hotel,
15 motel, inn, or similar transient lodging establish-
16 ment.

17 (16) MINIMUM NUMBER OF EXPECTED WORK
18 HOURS.—The term “minimum number of expected
19 work hours” means the minimum number of hours
20 an employee will be assigned to work on a weekly or
21 monthly basis.

22 (17) NONEXEMPT EMPLOYEE.—The term “non-
23 exempt employee” means an employee who is not
24 employed in a bona fide executive, administrative, or
25 professional capacity, as defined and delimited for

1 purposes of section 13(a)(1) of the Fair Labor
2 Standards Act of 1938 (29 U.S.C. 213(a)(1)).

3 (18) ON-CALL SHIFT.—The term “on-call shift”
4 means any time during which an employer requires
5 an employee to—

6 (A) be available to work; and

7 (B) contact the employer or the designee
8 of the employer, or wait to be contacted by the
9 employer or designee, to determine whether the
10 employee is required to report to work at that
11 time.

12 (19) PARENT.—The term “parent” means a bi-
13 ological or adoptive parent, a stepparent, or a person
14 who stood in a parental relationship to an employee
15 when the employee was a child.

16 (20) PARENTAL RELATIONSHIP.—The term
17 “parental relationship” means a relationship in
18 which a person assumed the obligations incident to
19 parenthood for a child and discharged those obliga-
20 tions before the child reached adulthood.

21 (21) SECRETARY.—The term “Secretary”
22 means the Secretary of Labor.

23 (22) SERIOUS HEALTH CONDITION.—The term
24 “serious health condition” has the meaning given

1 the term in section 101 of the Family and Medical
2 Leave Act of 1993 (29 U.S.C. 2611).

3 (23) SIBLING.—The term “sibling” means a
4 brother or sister, whether related by half blood,
5 whole blood, or adoption or as a stepsibling.

6 (24) SPLIT SHIFT.—The term “split shift”
7 means a schedule of daily hours in which the hours
8 worked are not consecutive, except that—

9 (A) a schedule in which the total time out
10 for meals does not exceed one hour shall not be
11 treated as a split shift; and

12 (B) a schedule in which the break in the
13 employee’s work shift is requested by the em-
14 ployee shall not be treated as a split shift.

15 (25) SPOUSE.—The term “spouse” means a
16 person with whom an individual entered into—

17 (A) a marriage as defined or recognized
18 under State law in the State in which the mar-
19 riage was entered into; or

20 (B) in the case of a marriage entered into
21 outside of any State, a marriage that is recog-
22 nized in the place where entered into and could
23 have been entered into in at least 1 State.

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

4 (27) WAREHOUSE ESTABLISHMENT.—The term
5 “warehouse establishment” means any business that
6 engages primarily in the storage of goods, wares, or
7 commodities for hire or compensation, and, in con-
8 nection with such storage, may include the loading,
9 packing, sorting, stacking, wrapping, distribution, or
10 delivery of those goods, wares, or commodities.

11 (28) WORK SCHEDULE.—The term “work
12 schedule” means all of an employee’s work shifts
13 and on-call shifts, including specific start and end
14 times for each shift, during a consecutive 7-day pe-
15 riod.

16 (29) WORK SCHEDULE CHANGE.—The term
17 “work schedule change” means any modification to
18 an employee’s work schedule, such as an addition or
19 reduction of hours, cancellation of a shift, or a
20 change in the date or time of a work shift, by an
21 employer.

22 (30) WORK SHIFT.—The term “work shift”
23 means the specific hours of the workday during
24 which an employee works.

1 **SEC. 3. RIGHT TO REQUEST AND RECEIVE A FLEXIBLE,**
2 **PREDICTABLE, OR STABLE WORK SCHEDULE.**

3 (a) **RIGHT TO REQUEST.**—An employee may request
4 from their employer a change in the terms and conditions
5 of employment as they relate to factors including—

6 (1) the number of hours the employee is re-
7 quired to work or be on call for work;

8 (2) the times when the employee is required to
9 work or be on call for work;

10 (3) the location where the employee is required
11 to work;

12 (4) the amount of notification the employee re-
13 ceives of work schedule assignments; and

14 (5) minimizing fluctuations in the number of
15 hours the employee is scheduled to work on a daily,
16 weekly, or monthly basis.

17 (b) **EMPLOYER OBLIGATION TO ENGAGE IN AN**
18 **INTERACTIVE PROCESS.**—

19 (1) **IN GENERAL.**—If an employee requests a
20 change in the terms and conditions of employment
21 as set forth in subsection (a), the employer shall en-
22 gage in a timely, good-faith interactive process with
23 the employee that includes a discussion of potential
24 schedule changes that would meet the employee’s
25 needs.

26 (2) **RESULT.**—Such process shall result in—

1 (A) subject to subsections (c) and (d), ei-
2 ther granting or denying the request; and

3 (B) in the event of a denial—

4 (i) considering alternatives to the pro-
5 posed change that might meet the employ-
6 ee’s needs and granting or denying a re-
7 quest for an alternative change in the
8 terms and conditions of employment as set
9 forth in subsection (a); and

10 (ii) stating the reason for denial, in-
11 cluding whether any such reason is a bona
12 fide business reason.

13 (3) INFORMATION.—If information provided by
14 the employee making a request under this section re-
15 quires clarification, the employer shall explain what
16 further information is needed and give the employee
17 reasonable time to produce the information.

18 (c) REQUESTS RELATED TO SERIOUS HEALTH CON-
19 DITION, CAREGIVING, ENROLLMENT IN EDUCATION OR
20 TRAINING, OR ANOTHER JOB.—If an employee makes a
21 request for a change in the terms and conditions of em-
22 ployment as set forth in subsection (a), specifying that the
23 request is because of the employee’s serious health condi-
24 tion, the employee’s responsibilities as a caregiver, the em-
25 ployee’s enrollment in a career-related educational or

1 training program, or a reason related to another job of
2 the employee, the employer shall grant the request, unless
3 the employer has a bona fide business reason for denying
4 the request.

5 (d) OTHER REQUESTS.—If an employee makes a re-
6 quest for a change in the terms and conditions of employ-
7 ment as set forth in subsection (a), for a reason other than
8 those reasons set forth in subsection (c), the employer may
9 deny the request for any reason that is not unlawful.

10 **SEC. 4. REQUIREMENTS FOR ADVANCE NOTICE OF WORK**
11 **SCHEDULES, PREDICTABILITY PAY, AND**
12 **SPLIT SHIFT PAY FOR COVERED SECTOR EM-**
13 **PLOYEES.**

14 (a) ADVANCE NOTICE REQUIREMENT.—

15 (1) PROVIDING NOTICE OF WORK SCHED-
16 ULES.—

17 (A) IN GENERAL.—An employer shall pro-
18 vide a covered sector employee with the work
19 schedule of the employee—

20 (i) not less than 14 days before the
21 first day of such work schedule; or

22 (ii) in the case of a new covered sector
23 employee on or before the first day of work
24 of such employee.

1 (B) COMPENSATION FOR FAILURE TO PRO-
2 VIDE NOTICE OF WORK SCHEDULE.—An em-
3 ployer that violates subparagraph (A) shall
4 compensate each affected employee in the
5 amount of \$75 per day that a work schedule is
6 not provided in violation of such subparagraph.

7 (C) WORK SCHEDULE CHANGE.—An em-
8 ployer may make a work schedule change for
9 the work schedule of a covered sector employee
10 provided in accordance with subparagraph (A)
11 if—

12 (i) such work schedule change is made
13 not less than 14 days prior to the first day
14 on which the change is to take effect; or

15 (ii) the employer provides predict-
16 ability pay for such change in accordance
17 with subsection (b).

18 (D) MINIMUM EXPECTED WORK HOURS.—

19 (i) IN GENERAL.—An employer shall
20 inform a covered sector employee of an es-
21 timate of the minimum number of expected
22 work hours the employee will be assigned
23 to work per month for the following 12-
24 month period—

1 (I) in the case of a new covered
2 sector employee, on or before the first
3 day of work of such employee; or

4 (II) in the case of a covered sec-
5 tor employee who is employed by the
6 employer on the date of enactment of
7 this Act, not later than 90 days after
8 such date.

9 (ii) UPDATING MINIMUM EXPECTED
10 WORK HOURS.—An employer shall, not less
11 than once each year, provide each covered
12 sector employee an updated estimate of the
13 minimum number of expected work hours
14 the employee will be assigned to work per
15 month for the following 12-month period.
16 Such a revised estimate shall be provided
17 not later than the earlier of (as applica-
18 ble)—

19 (I) 1 year after the date on which
20 the estimate was provided under
21 clause (i) or the most recent update of
22 an estimate was provided under this
23 clause; or

24 (II) the day before the effective
25 date of a significant change to the

1 minimum expected work hours of the
2 employee due to changes in the avail-
3 ability of the employee or to the busi-
4 ness needs of the employer.

5 (2) NOTIFICATIONS IN WRITING.—The notifica-
6 tions required under subparagraphs (A) and (D) of
7 paragraph (1) shall be made to the employee in-
8 volved in writing.

9 (3) SCHEDULE POSTING REQUIREMENT.—

10 (A) IN GENERAL.—An employer shall post
11 a copy of the work schedule of each covered sec-
12 tor employee in a conspicuous place that is
13 readily accessible and visible to all covered sec-
14 tor employees at the workplace. Posting by elec-
15 tronic means accessible to all covered sector em-
16 ployees shall be considered compliance with this
17 subparagraph. At the request of an employee,
18 the employer shall carry out the posting so that
19 the identity of the employee is not readily iden-
20 tifiable from the schedules posted.

21 (B) RIGHT TO DECLINE.—A covered sector
22 employee may decline, without penalty, to work
23 any hours not included in the work schedule
24 posted under subparagraph (A) as work hours
25 for the covered sector employee.

1 (C) CONSENT.—Except as described in
2 subsection (b)(2), if a covered sector employee
3 voluntarily consents to work any hours not
4 posted under subparagraph (A), such consent
5 must be recorded in writing.

6 (4) RULE OF CONSTRUCTION.—Nothing in this
7 subsection shall be construed to prohibit an em-
8 ployer from—

9 (A) providing greater advance notice of the
10 work schedule of a covered sector employee
11 than is required under this subsection; or

12 (B) using any means, in addition to the
13 written means required under paragraph (2), of
14 notifying a covered sector employee of the work
15 schedule of the employee.

16 (b) PREDICTABILITY PAY FOR WORK SCHEDULE
17 CHANGES MADE WITH LESS THAN 14 DAYS' NOTICE.—

18 (1) IN GENERAL.—Except as provided in para-
19 graph (2), for each work schedule change provided
20 to a covered sector employee that occurs less than
21 14 days prior to the first day on which the change
22 is to take effect, the employer of the affected em-
23 ployee shall be required to provide the affected em-
24 ployee with pay (referred to in this subsection as
25 “predictability pay”) at the following rates:

1 (A) The covered sector employee’s regular
2 rate of pay per hour that the employee works
3 plus one additional hour at such regular rate
4 per work schedule change if the employer—

5 (i) adds any hours to the hours the
6 employee is scheduled to work under sub-
7 section (a); or

8 (ii) changes the date, time, or location
9 of the work shift the employee is scheduled
10 to work under subsection (a) with no loss
11 of hours.

12 (B) Not less than $\frac{1}{2}$ times the covered sec-
13 tor employee’s regular rate of pay per hour for
14 any hour that the employee is scheduled to
15 work under subsection (a) and does not work
16 due to the employer reducing or canceling such
17 scheduled hours of work.

18 (2) EXCEPTIONS TO PREDICTABILITY PAY.—An
19 employer shall not be required to pay predictability
20 pay under paragraph (1), or to obtain written con-
21 sent pursuant to subsection (a)(3)(C), under any of
22 the following circumstances:

23 (A) A covered sector employee requests a
24 shift change in writing, including through the

1 use of sick leave, vacation leave, or any other
2 leave policy offered by the employer.

3 (B) A schedule change is the result of a
4 mutually agreed upon shift trade or coverage
5 arrangement between covered sector employees,
6 subject to any policy of the employer regarding
7 required conditions for employees to exchange
8 shifts.

9 (C) The employer's operations cannot
10 begin or continue due to—

11 (i) a threat to the property of an em-
12 ployee or the employer;

13 (ii) the failure of a public utility or
14 the shutdown of public transportation;

15 (iii) a fire, flood, or other natural dis-
16 aster;

17 (iv) a state of emergency declared by
18 the President of the United States or by
19 the governor of the State, or the mayor of
20 the city, in which the operations are lo-
21 cated; or

22 (v) a severe weather condition that
23 poses a threat to employee safety.

24 (c) SPLIT SHIFT PAY REQUIREMENT.—An employer
25 shall pay a covered sector employee for 1 additional hour

1 at the employee’s regular rate of pay for each day during
2 which the employee works a split shift.

3 (d) PAY STUB TRANSPARENCY.—Any pay provided
4 to an employee pursuant to subsection (a), (b), or (c) (re-
5 ferred to in this subsection as “additional pay”) shall be
6 included in the employee’s regular paycheck. The employer
7 shall identify, in the corresponding written wage statement
8 or pay stub, the total number of hours of additional pay
9 provided for the pay period involved and whether the addi-
10 tional pay was due to the requirements of subsection (a),
11 the requirements of subsection (b), or the requirements
12 of subsection (c).

13 **SEC. 5. RIGHT TO REST BETWEEN WORK SHIFTS.**

14 (a) IN GENERAL.—An employee of a covered em-
15 ployer may decline, without penalty, to work any work
16 shift or on-call shift that is scheduled or otherwise oc-
17 curs—

18 (1) less than 11 hours after the end of the work
19 shift or on-call shift for the previous day; or

20 (2) during the 11 hours following the end of a
21 work shift or on-call shift that spanned 2 days.

22 (b) CONSENT.—

23 (1) IN GENERAL.—An employee may consent to
24 work a shift as described in subsection (a), if the
25 covered employer obtains the employee’s consent in

1 writing. Such consent may be for each such shift or
2 for multiple shifts.

3 (2) REVOCATION.—An employee may revoke the
4 consent provided under paragraph (1), in writing, at
5 any time during the employment.

6 (c) COMPENSATION.—For each instance that an em-
7 ployee of a covered employer works a shift described in
8 subsection (a), the covered employer shall compensate the
9 employee at 1.5 times the employee’s scheduled rate of pay
10 for the hours worked that are less than 11 hours apart
11 from the hours worked during the previous shift.

12 **SEC. 6. PROHIBITED ACTS.**

13 (a) INTERFERENCE WITH RIGHTS.—It shall be un-
14 lawful for any employer to interfere with, restrain, or deny
15 the exercise or the attempt to exercise, any right provided
16 under section 3, 4, or 5.

17 (b) RETALIATION PROHIBITED.—It shall be unlawful
18 for any employer to discharge, threaten to discharge, de-
19 mote, suspend, reduce work hours of, or take any other
20 adverse employment action against any employee in retal-
21 iation for exercising the rights of an employee under this
22 Act or opposing any practice made unlawful by this Act.
23 For purposes of section 3, such retaliation shall include
24 taking an adverse employment action against any em-
25 ployee on the basis of that employee’s request for a change

1 in work schedule, or because of an employee's eligibility
2 or perceived eligibility to request or receive a change in
3 the terms and conditions of employment, as described in
4 such section, on the basis of a reason set forth in section
5 3(c).

6 (c) INTERFERENCE WITH PROCEEDINGS OR INQUIR-
7 IES.—It shall be unlawful for any person to discharge or
8 in any other manner discriminate against any individual
9 because such individual—

10 (1) has filed any charge, or has instituted or
11 caused to be instituted any proceeding, under or re-
12 lated to this Act;

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

16 (3) has testified, or is about to testify, in any
17 inquiry or proceeding relating to any right provided
18 under this Act.

19 **SEC. 7. REMEDIES AND ENFORCEMENT.**

20 (a) INVESTIGATIVE AUTHORITY.—

21 (1) IN GENERAL.—To ensure compliance with
22 this Act, or any regulation or order issued under
23 this Act, the Secretary shall have, subject to para-
24 graph (3), the investigative authority provided under

1 section 11(a) of the Fair Labor Standards Act of
2 1938 (29 U.S.C. 211(a)).

3 (2) OBLIGATION TO KEEP AND PRESERVE
4 RECORDS.—Each employer shall make, keep, and
5 preserve records pertaining to compliance with this
6 Act in accordance with regulations issued by the
7 Secretary under section 9.

8 (3) REQUIRED SUBMISSIONS GENERALLY LIM-
9 ITED TO AN ANNUAL BASIS.—The Secretary shall
10 not require, under the authority of this subsection,
11 any employer to submit to the Secretary any books
12 or records more than once during any 12-month pe-
13 riod, unless the Secretary has reasonable cause to
14 believe there may exist a violation of this Act or any
15 regulation or order issued pursuant to this Act, or
16 is investigating a charge pursuant to subsection (c).

17 (4) SUBPOENA POWERS.—For the purposes of
18 any investigation provided for in this section, the
19 Secretary shall have the subpoena authority provided
20 for under section 9 of the Fair Labor Standards Act
21 of 1938 (29 U.S.C. 209).

22 (b) CIVIL ACTION BY EMPLOYEES.—

23 (1) LIABILITY.—

24 (A) IN GENERAL.—Any employer who vio-
25 lates subsection (a) of section 6 (with respect to

1 a right provided under section 3 or 5 or sub-
2 section (a), (b), or (c) of section 4) or sub-
3 section (b) or (c) of such section (each such
4 provision referred to in this section as a “cov-
5 ered provision”) shall be liable to any employee
6 affected for—

7 (i) damages equal to the amount of—

8 (I) any wages, salary, employ-
9 ment benefits (as defined in section
10 101 of the Family and Medical Leave
11 Act of 1993 (29 U.S.C. 2611)), or
12 other compensation denied, lost, or
13 owed to such employee by reason of
14 the violation; or

15 (II) in a case in which wages,
16 salary, employment benefits (as so de-
17 fined), or other compensation have
18 not been denied, lost, or owed to the
19 employee, any actual monetary losses
20 sustained by the employee as a direct
21 result of the violation;

22 (ii) interest on the amount described
23 in clause (i) calculated at the prevailing
24 rate;

1 (iii) except as described in subpara-
2 graph (B), an additional amount as liq-
3 uidated damages equal to the sum of the
4 amount described in clause (i) and the in-
5 terest described in clause (ii); and

6 (iv) such equitable relief as may be
7 appropriate, including employment, rein-
8 statement, and promotion.

9 (B) EXCEPTION FOR LIQUIDATED DAM-
10 AGES.—If an employer who has violated a cov-
11 ered provision proves to the satisfaction of the
12 court that the act or omission which violated
13 the covered provision was in good faith and that
14 the employer had reasonable grounds for believ-
15 ing that the act or omission was not a violation
16 of a covered provision, such court may, in the
17 discretion of the court, waive such liquidated
18 damages.

19 (2) RIGHT OF ACTION.—An action to recover
20 the damages, interest, or equitable relief set forth in
21 paragraph (1) may be maintained against any em-
22 ployer (including a public agency) in any Federal or
23 State court of competent jurisdiction by any one or
24 more employees for and on behalf of—

25 (A) the employees; or

1 (B) the employees and any other employees
2 similarly situated.

3 (3) FEES AND COSTS.—The court in such an
4 action shall, in addition to any judgment awarded to
5 the plaintiff, allow a reasonable attorney’s fee, rea-
6 sonable expert witness fees, and other costs of the
7 action to be paid by the defendant.

8 (4) LIMITATIONS.—The right provided by para-
9 graph (2) to bring an action by or on behalf of any
10 employee shall terminate on the filing of a complaint
11 by the Secretary in an action under subsection (c)(4)
12 in which a recovery is sought of the damages, inter-
13 est, or equitable relief described in paragraph (1)(A)
14 owing to an employee by an employer liable under
15 paragraph (1) unless the action described is dis-
16 missed without prejudice on motion of the Secretary.

17 (c) ACTIONS BY THE SECRETARY.—

18 (1) ADMINISTRATIVE ACTION.—The Secretary
19 shall receive, investigate, and attempt to resolve
20 complaints of violations of this Act in the same man-
21 ner that the Secretary receives, investigates, and at-
22 tempts to resolve complaints of violations of sections
23 6 and 7 of the Fair Labor Standards Act of 1938
24 (29 U.S.C. 206 and 207), and may issue an order
25 making determinations, and assessing a civil penalty

1 described in paragraph (3) (in accordance with para-
2 graph (3)), with respect to such an alleged violation.

3 (2) ADMINISTRATIVE REVIEW.—An affected
4 person who takes exception to an order issued under
5 paragraph (1) may request review of and a decision
6 regarding such an order by an administrative law
7 judge. In reviewing the order, the administrative law
8 judge may hold an administrative hearing con-
9 cerning the order, in accordance with the require-
10 ments of sections 554, 556, and 557 of title 5,
11 United States Code. Such hearing shall be conducted
12 expeditiously. If no affected person requests such re-
13 view within 60 days after the order is issued under
14 paragraph (1), the order shall be considered to be a
15 final order that is not subject to judicial review.

16 (3) CIVIL PENALTY.—

17 (A) IN GENERAL.—An employer who will-
18 fully and repeatedly violates—

19 (i) section 4 or 5 shall be subject to
20 a civil penalty in an amount per violation
21 that is not less than \$500 and not more
22 than \$1,000; or

23 (ii) subsection (b) or (c) of section 6
24 shall be subject to a civil penalty in an

1 amount per violation that is not less than
2 \$1,100 and not more than \$5,000.

3 (B) WILLFULLY AND REPEATEDLY.—For
4 purposes of subparagraph (A):

5 (i) REPEATEDLY.—The term “repeat-
6 edly”, with respect to a violation, means 2
7 or more such violations.

8 (ii) WILLFULLY.—The term “will-
9 fully”, with respect to a violation, means
10 such a violation for which, based on all of
11 the facts and circumstances surrounding
12 the violation, an employer—

13 (I) knew that its conduct was
14 prohibited by, as applicable, section 4
15 or 5 or subsection (b) or (c) of section
16 6; or

17 (II) showed reckless disregard for
18 the requirements of, as applicable,
19 section 4 or 5 or subsection (b) or (c)
20 of section 6.

21 (4) CIVIL ACTION.—The Secretary may bring
22 an action in any court of competent jurisdiction on
23 behalf of aggrieved employees to—

24 (A) restrain violations of this Act;

1 (B) award such equitable relief as may be
2 appropriate, including employment, reinstatement,
3 and promotion; and

4 (C) in the case of a violation of a covered
5 provision, recover the damages and interest described
6 in clauses (i) through (iii) of subsection
7 (b)(1)(A).

8 (d) LIMITATION.—

9 (1) IN GENERAL.—Except as provided in paragraph
10 (2), an action may be brought under this section
11 not later than 2 years after the date of the last
12 event constituting the alleged violation for which the
13 action is brought.

14 (2) WILLFUL VIOLATION.—In the case of such
15 action brought for a willful violation of section 6,
16 such action may be brought within 3 years of the
17 date of the last event constituting the alleged violation
18 for which such action is brought.

19 (3) COMMENCEMENT.—In determining when an
20 action is commenced by the Secretary or by an employee
21 under this section for the purposes of this
22 subsection, it shall be considered to be commenced
23 on the date when the complaint is filed.

24 (e) OTHER ADMINISTRATIVE OFFICERS.—

1 (1) BOARD.—In the case of employees described
2 in section 2(10)(C), the authority of the Secretary
3 under this Act shall be exercised by the Board of Di-
4 rectors of the Office of Congressional Workplace
5 Rights.

6 (2) PRESIDENT; MERIT SYSTEMS PROTECTION
7 BOARD.—In the case of employees described in sec-
8 tion 2(10)(D), the authority of the Secretary under
9 this Act shall be exercised by the President and the
10 Merit Systems Protection Board.

11 (3) OFFICE OF PERSONNEL MANAGEMENT.—In
12 the case of employees described in section 2(10)(E),
13 the authority of the Secretary under this Act shall
14 be exercised by the Office of Personnel Management.

15 (4) LIBRARIAN OF CONGRESS.—In the case of
16 employees of the Library of Congress, the authority
17 of the Secretary under this Act shall be exercised by
18 the Librarian of Congress.

19 (5) COMPTROLLER GENERAL.—In the case of
20 employees of the Government Accountability Office,
21 the authority of the Secretary under this Act shall
22 be exercised by the Comptroller General of the
23 United States.

1 SEC. 8. NOTICE AND POSTING.

2 (a) IN GENERAL.—Each employer shall post and
3 keep posted, in conspicuous places on the premises of the
4 employer where notices to employees and applicants for
5 employment are customarily posted, a notice, to be pre-
6 pared or approved by the Secretary (or, as applicable, the
7 corresponding administrative officer specified in section
8 7(e)) setting forth excerpts from, or summaries of, the
9 pertinent provisions of this Act and information pertaining
10 to the filing of a complaint under this Act.

11 (b) PENALTY.—Any employer that willfully violates
12 this section may be assessed a civil money penalty not to
13 exceed \$100 for each separate offense.

14 SEC. 9. REGULATIONS.

15 (a) SECRETARY OF LABOR.—

16 (1) IN GENERAL.—Except as provided in sub-
17 sections (b) through (f), not later than 180 days
18 after the date of enactment of this Act, the Sec-
19 retary shall issue such regulations as may be nec-
20 essary to implement this Act.

21 (2) REGULATIONS REGARDING ADDITIONAL OC-
22 CUPATIONS TO BE COVERED.—

23 (A) IN GENERAL.—In carrying out para-
24 graph (1), the Secretary shall issue regulations
25 that specify a process the Secretary will follow,
26 in accordance with subparagraph (B), to iden-

1 tify and designate occupations in addition to re-
2 tail, food service, cleaning, hospitality, or ware-
3 house occupations that are appropriate for cov-
4 erage under section 4.

5 (B) CRITERIA.—The regulations under
6 subparagraph (A) shall provide that the Sec-
7 retary shall so designate an additional occupa-
8 tion—

9 (i) in which not less than 10 percent
10 of workers employed in the occupation gen-
11 erally—

12 (I) receive advance notice of their
13 work schedules less than 14 days be-
14 fore the first day of the work sched-
15 ules; or

16 (II) experience fluctuations in the
17 number of hours the employees are
18 scheduled to work on a daily, weekly,
19 or monthly basis; or

20 (ii) for which the Secretary deter-
21 mines such designation is appropriate.

22 (C) DATA REVIEW.—In issuing regulations
23 under subparagraph (A), the Secretary shall
24 specify the process by which the Department of
25 Labor will review data from stakeholders, and

1 data collected or generated by the Department,
2 in designating occupations.

3 (b) BOARD.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of enactment of this Act, the Board
6 of Directors of the Office of Congressional Work-
7 place Rights shall issue such regulations as may be
8 necessary to implement this Act with respect to em-
9 ployees described in section 2(10)(C). The proce-
10 dures applicable to regulations of the Board issued
11 for the implementation of the Congressional Ac-
12 countability Act of 1995 (2 U.S.C. 1301 et seq.),
13 prescribed in section 304 of that Act (2 U.S.C.
14 1384), shall be the procedures applicable to regula-
15 tions issued under this subsection.

16 (2) CONSIDERATION.—In prescribing the regu-
17 lations, the Board shall take into consideration the
18 enforcement and remedies provisions concerning the
19 Office, and applicable to rights and protections
20 under the Family and Medical Leave Act of 1993
21 (29 U.S.C. 2601 et seq.), under the Congressional
22 Accountability Act of 1995 (2 U.S.C. 1301 et seq.).

23 (3) MODIFICATIONS.—The regulations issued
24 under paragraph (1) to implement this Act shall be
25 the same as substantive regulations issued by the

1 Secretary to implement this Act, except to the extent
2 that the Board may determine, for good cause
3 shown and stated together with the regulations
4 issued by the Board, that a modification of such
5 substantive regulations would be more effective for
6 the implementation of the rights and protections
7 under this Act with respect to the employees de-
8 scribed in section 2(10)(C).

9 (c) PRESIDENT.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of enactment of this Act, the Presi-
12 dent shall issue such regulations as may be nec-
13 essary to implement this Act with respect to employ-
14 ees described in section 2(10)(D).

15 (2) CONSIDERATION.—In prescribing the regu-
16 lations, the President shall take into consideration
17 the enforcement and remedies provisions concerning
18 the President and the Merit Systems Protection
19 Board, and applicable to rights and protections
20 under the Family and Medical Leave Act of 1993,
21 under chapter 5 of title 3, United States Code.

22 (3) MODIFICATIONS.—The regulations issued
23 under paragraph (1) to implement this Act shall be
24 the same as substantive regulations issued by the
25 Secretary to implement this Act, except to the extent

1 that the President may determine, for good cause
2 shown and stated together with the regulations
3 issued by the President, that a modification of such
4 substantive regulations would be more effective for
5 the implementation of the rights and protections
6 under this Act with respect to the employees de-
7 scribed in section 2(10)(D).

8 (d) OFFICE OF PERSONNEL MANAGEMENT.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of enactment of this Act, the Office
11 of Personnel Management shall issue such regula-
12 tions as may be necessary to implement this Act
13 with respect to employees described in section
14 2(10)(E).

15 (2) CONSIDERATION.—In prescribing the regu-
16 lations, the Office shall take into consideration the
17 enforcement and remedies provisions concerning the
18 Office under subchapter V of chapter 63 of title 5,
19 United States Code.

20 (3) MODIFICATIONS.—The regulations issued
21 under paragraph (1) to implement this Act shall be
22 the same as substantive regulations issued by the
23 Secretary to implement this Act, except to the extent
24 that the Office may determine, for good cause shown
25 and stated together with the regulations issued by

1 the Office, that a modification of such substantive
2 regulations would be more effective for the imple-
3 mentation of the rights and protections under this
4 Act with respect to the employees described in sec-
5 tion 2(10)(E).

6 (e) LIBRARIAN OF CONGRESS.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of enactment of this Act, the Librar-
9 ian of Congress shall issue such regulations as may
10 be necessary to implement this Act with respect to
11 employees of the Library of Congress.

12 (2) CONSIDERATION.—In prescribing the regu-
13 lations, the Librarian shall take into consideration
14 the enforcement and remedies provisions concerning
15 the Librarian of Congress under title I of the Fam-
16 ily and Medical Leave Act of 1993 (29 U.S.C. 2611
17 et seq.).

18 (3) MODIFICATIONS.—The regulations issued
19 under paragraph (1) to implement this Act shall be
20 the same as substantive regulations issued by the
21 Secretary to implement this Act, except to the extent
22 that the Librarian may determine, for good cause
23 shown and stated together with the regulations
24 issued by the Librarian, that a modification of such
25 substantive regulations would be more effective for

1 the implementation of the rights and protections
2 under this Act with respect to employees of the Li-
3 brary of Congress.

4 (f) COMPTROLLER GENERAL.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of enactment of this Act, the Comp-
7 troller General shall issue such regulations as may
8 be necessary to implement this Act with respect to
9 employees of the Government Accountability Office.

10 (2) CONSIDERATION.—In prescribing the regu-
11 lations, the Comptroller General shall take into con-
12 sideration the enforcement and remedies provisions
13 concerning the Comptroller General under title I of
14 the Family and Medical Leave Act of 1993 (29
15 U.S.C. 2611 et seq.).

16 (3) MODIFICATIONS.—The regulations issued
17 under paragraph (1) to implement this Act shall be
18 the same as substantive regulations issued by the
19 Secretary to implement this Act, except to the extent
20 that the Comptroller General may determine, for
21 good cause shown and stated together with the regu-
22 lations issued by the Comptroller General, that a
23 modification of such substantive regulations would
24 be more effective for the implementation of the

1 rights and protections under this Act with respect to
2 employees of the Government Accountability Office.

3 **SEC. 10. RESEARCH, EDUCATION, AND TECHNICAL ASSIST-**
4 **ANCE PROGRAM AND SURVEYS.**

5 (a) IN GENERAL.—The Secretary shall provide infor-
6 mation and technical assistance to employers, labor orga-
7 nizations, and the general public concerning compliance
8 with this Act.

9 (b) PROGRAM.—In order to achieve the objectives of
10 this Act—

11 (1) the Secretary, acting through the Adminis-
12 trator of the Wage and Hour Division of the Depart-
13 ment of Labor, shall issue guidance on compliance
14 with this Act regarding providing a flexible, predict-
15 able, or stable work environment through changes in
16 the terms and conditions of employment as provided
17 in section 3(a); and

18 (2) the Secretary shall carry on a continuing
19 program of research, education, and technical assist-
20 ance, including—

21 (A)(i) conducting pilot programs that im-
22 plement fairer work schedules, including by pro-
23 moting cross training, providing 3 weeks or
24 more advance notice of schedules, providing em-
25 ployees with a minimum number of hours of

1 work, and using electronic workforce manage-
2 ment systems to provide more flexible, predict-
3 able, and stable schedules for employees; and

4 (ii) evaluating the results of such pilot pro-
5 grams for employees, employee's families, and
6 employers;

7 (B) publishing and otherwise making avail-
8 able to employers, labor organizations, profes-
9 sional associations, educational institutions, the
10 various communication media, and the general
11 public the findings of studies regarding fair
12 work scheduling policies and other materials for
13 promoting compliance with this Act;

14 (C) sponsoring and assisting State and
15 community informational and educational pro-
16 grams; and

17 (D) providing technical assistance to em-
18 ployers, labor organizations, professional asso-
19 ciations, and other interested persons on means
20 of achieving and maintaining compliance with
21 the provisions of this Act.

22 (c) CURRENT POPULATION SURVEY.—The Secretary,
23 acting through the Commissioner of the Bureau of Labor
24 Statistics, and the Director of the Bureau of the Census
25 shall—

1 (1) include in the Current Population Survey
2 questions on—

3 (A) the magnitude of fluctuation in the
4 number of hours the employee is scheduled to
5 work on a daily, weekly, or monthly basis;

6 (B) the extent of advance notice an em-
7 ployee receives of the employee's work schedule;

8 (C) the extent to which an employee has
9 input in the employee's work schedule; and

10 (D) the number of hours that an employee
11 would prefer to work, relative to the number of
12 hours the employee is currently working; and

13 (2) at regular intervals, update and conduct the
14 Contingent Worker Supplement, the Work Schedules
15 and Work at Home Supplement, and other relevant
16 supplements (as determined by the Secretary), to
17 the Current Population Survey and the American
18 Time Use Survey.

19 **SEC. 11. RIGHTS RETAINED BY EMPLOYEES.**

20 This Act provides minimum requirements and shall
21 not be construed to preempt, limit, or otherwise affect the
22 applicability of any other law, requirement, policy, or
23 standard that provides for greater rights for employees
24 than are required in this Act.

1 **SEC. 12. EXEMPTION.**

2 This Act shall not apply to any employee covered by
3 a valid collective bargaining agreement if—

4 (1) the terms of the collective bargaining agree-
5 ment include terms that govern work scheduling
6 practices; and

7 (2) the provisions of this Act are expressly
8 waived in such collective bargaining agreement.

9 **SEC. 13. EFFECT ON OTHER LAW.**

10 (a) **IN GENERAL.**—Nothing in this Act shall be con-
11 strued as superseding, or creating or imposing any re-
12 quirement in conflict with, any Federal, State, or local
13 regulation or other law (including the Americans with Dis-
14 abilities Act of 1990 (42 U.S.C. 12101 et seq.), the Fam-
15 ily and Medical Leave Act of 1993 (29 U.S.C. 2601 et
16 seq.), the National Labor Relations Act (29 U.S.C. 151
17 et seq.), the Fair Labor Standards Act of 1938 (29 U.S.C.
18 201 et seq.), and title VII of the Civil Rights Act of 1964
19 (42 U.S.C. 2000e et seq.)).

20 (b) **RELATIONSHIP TO COLLECTIVE BARGAINING**
21 **RIGHTS.**—Nothing in this Act (including section 12) shall
22 be construed to diminish or impair the rights of an em-
23 ployee under any valid collective bargaining agreement.

○