“SEC. 3106. EFFECTIVE DATE.

“ This Act shall take effect not later than 15 days after the date of enactment of this Act.”.

(3) Amend division E to read as follows:

“DIVISION E—EMERGENCY PAID SICK LEAVE ACT

“SEC. 5101. SHORT TITLE.

“This Act may be cited as the ‘Emergency Paid Sick Leave Act’.

“SEC. 5102. PAID SICK TIME REQUIREMENT.

“(a) IN GENERAL.—An employer shall provide to each employee employed by the employer paid sick time to the extent that the employee is unable to work (or telework) due to a need for leave because:

“(1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.

“(2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.

“(3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.

“(4) The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2).
“(5) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions.

“(6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Except that an employer of an employee who is a health care provider or an emergency responder may elect to exclude such employee from the application of this subsection.

“(b) Duration of Paid Sick Time.—

“(1) In general.—An employee shall be entitled to paid sick time for an amount of hours determined under paragraph (2).

“(2) Amount of hours.—The amount of hours of paid sick time to which an employee is entitled shall be as follows:

“(A) For full-time employees, 80 hours.

“(B) For part-time employees, a number of hours equal to the number of hours that
such employee works, on average, over a 2-week period.

“(3) CARRYOVER.—Paid sick time under this section shall not carry over from 1 year to the next.

“(c) EMPLOYER’S TERMINATION OF PAID SICK TIME.—Paid sick time provided to an employee under this Act shall cease beginning with the employee’s next scheduled workshift immediately following the termination of the need for paid sick time under subsection (a).

“(d) PROHIBITION.—An employer may not require, as a condition of providing paid sick time under this Act, that the employee involved search for or find a replacement employee to cover the hours during which the employee is using paid sick time.

“(e) USE OF PAID SICK TIME.—

“(1) IN GENERAL.—The paid sick time under subsection (a) shall be available for immediate use by the employee for the purposes described in such subsection, regardless of how long the employee has been employed by an employer.

“(2) SEQUENCING.—

“(A) IN GENERAL.—An employee may first use the paid sick time under subsection (a) for the purposes described in such subsection.
“(B) PROHIBITION.—An employer may not require an employee to use other paid leave provided by the employer to the employee before the employee uses the paid sick time under subsection (a).

“SEC. 5103. NOTICE.

“(a) IN GENERAL.—Each employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees are customarily posted, a notice, to be prepared or approved by the Secretary of Labor, of the requirements described in this Act.

“(b) MODEL NOTICE.—Not later than 7 days after the date of enactment of this Act, the Secretary of Labor shall make publicly available a model of a notice that meets the requirements of subsection (a).

“SEC. 5104. PROHIBITED ACTS.

“It shall be unlawful for any employer to discharge, discipline, or in any other manner discriminate against any employee who—

“(1) takes leave in accordance with this Act; and

“(2) has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act (including a proceeding that seeks
enforcement of this Act), or has testified or is about
to testify in any such proceeding.

"SEC. 5105. ENFORCEMENT.

"(a) UNPAID SICK LEAVE.—An employer who vio-
lates section 5102 shall—

"(1) be considered to have failed to pay min-
imum wages in violation of section 6 of the Fair
Labor Standards Act of 1938 (29 U.S.C. 206); and

"(2) be subject to the penalties described in
sections 16 and 17 of such Act (29 U.S.C. 216;
217) with respect to such violation.

"(b) UNLAWFUL TERMINATION.—An employer who
willfully violates section 5104 shall—

"(1) be considered to be in violation of section
15(a)(3) of the Fair Labor Standards Act of 1938
(29 U.S.C. 215(a)(3)); and

"(2) be subject to the penalties described in
sections 16 and 17 of such Act (29 U.S.C. 216;
217) with respect to such violation.

"SEC. 5106. EMPLOYMENT UNDER MULTI-EMPLOYER BAR-

GAINING AGREEMENTS.

"(a) EMPLOYERS.—An employer signatory to a mul-
tiemployer collective bargaining agreement may, con-
istent with its bargaining obligations and its collective
bargaining agreement, fulfill its obligations under this Act
by making contributions to a multiemployer fund, plan, 
or program based on the hours of paid sick time each of 
its employees is entitled to under this Act while working 
under the multiemployer collective bargaining agreement, 
provided that the fund, plan, or program enables employ-
eses to secure pay from such fund, plan, or program based 
on hours they have worked under the multiemployer collec-
tive bargaining agreement and for the uses specified under 
section 5102(a).

“(b) Employees.—Employees who work under a 
multiemployer collective bargaining agreement into which 
their employers make contributions as provided in sub-
section (a) may secure pay from such fund, plan, or pro-
gram based on hours they have worked under the multiem-
ployer collective bargaining agreement for the uses speci-
fied in section 5102(a).

“SEC. 5107. RULES OF CONSTRUCTION.

“Nothing in this Act shall be construed—

“(1) to in any way diminish the rights or bene-
fits that an employee is entitled to under any—

“(A) other Federal, State, or local law; 
“(B) collective bargaining agreement; or 
“(C) existing employer policy; or 

“(2) to require financial or other reimburse-
ment to an employee from an employer upon the em-
ployee’s termination, resignation, retirement, or
other separation from employment for paid sick time
under this Act that has not been used by such em-
ployee.

“SEC. 5108. EFFECTIVE DATE.

“This Act, and the requirements under this Act, shall
take effect not later than 15 days after the date of enact-
ment of this Act.

“SEC. 5109. SUNSET.

“This Act, and the requirements under this Act, shall expire on December 31, 2020.

“SEC. 5110. DEFINITIONS.

“For purposes of the Act:

“(1) EMPLOYEE.—The terms ‘employee’ means
an individual who is—

“(A)(i) an employee, as defined in section
3(e) of the Fair Labor Standards Act of 1938
(29 U.S.C. 203(e)), who is not covered under
subparagraph (E) or (F), including such an em-
ployee of the Library of Congress, except that
a reference in such section to an employer shall
be considered to be a reference to an employer
described in clauses (i)(I) and (ii) of paragraph
(5)(A); or
“(ii) an employee of the Government Accountability Office;

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

“(C) a covered employee, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), other than an applicant for employment;

“(D) a covered employee, as defined in section 411(c) of title 3, United States Code;

“(E) a Federal officer or employee covered under subchapter V of chapter 63 of title 5, United States Code; or

“(F) any other individual occupying a position in the civil service (as that term is defined in section 2101(1) of title 5, United States Code).

“(2) EMPLOYER.—

“(A) IN GENERAL.—The term ‘employer’ means a person who is—

“(i)(I) a covered employer, as defined in subparagraph (B), who is not covered under subclause (V);
“(II) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991;

“(III) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995;

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

“(V) an Executive Agency as defined in section 105 of title 5, United States Code, and including the U.S. Postal Service and the Postal Regulatory Commission; and

“(ii) engaged in commerce (including government), or an industry or activity affecting commerce (including government), as defined in subparagraph (B)(iii).

“(B) COVERED EMPLOYER.—

“(i) IN GENERAL.—In subparagraph (A)(i)(I), the term ‘covered employer’—

“(I) means any person engaged in commerce or in any industry or activity affecting commerce that—
“(aa) in the case of a private entity or individual, employs fewer than 500 employees; and

“(bb) in the case of a public agency or any other entity that is not a private entity or individual, employs 1 or more employees;

“(II) includes—

“(aa) includes any person acting directly or indirectly in the interest of an employer in relation to an employee (within the meaning of such phrase in section 3(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(d)); and

“(bb) any successor in interest of an employer;

“(III) includes any ‘public agency’, as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)); and

“(IV) includes the Government Accountability Office and the Library of Congress.
“(ii) PUBLIC AGENCY.—For purposes of clause (i)(IV), a public agency shall be considered to be a person engaged in commerce or in an industry or activity affecting commerce.

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

“(I) COMMERCE.—The terms ‘commerce’ and ‘industry or activity affecting commerce’ means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include ‘commerce’ and any ‘industry affecting commerce’, as defined in paragraphs (1) and (3) of section 501 of the Labor Management Relations Act of 1947 (29 U.S.C. 142 (1) and (3)).

“(II) EMPLOYEE.—The term ‘employee’ has the same meaning given such term in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).
“(III) PERSON.—The term ‘person’ has the same meaning given such term in section 3(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(a)).

“(3) FLSA TERMS.—The terms ‘employ’ and ‘State’ have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

“(4) FMLA TERMS.—The terms ‘health care provider’ and ‘son or daughter’ have the meanings given such terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

“(5) PAID SICK TIME.—

“(A) IN GENERAL.—The term ‘paid sick time’ means an increment of compensated leave that—

“(i) is provided by an employer for use during an absence from employment for a reason described in any paragraph of section 2(a); and

“(ii) is calculated based on the employee’s required compensation under subparagraph (B) and the number of hours the employee would otherwise be normally
scheduled to work (or the number of hours calculated under subparagraph (C)), except that in no event shall such paid sick time exceed—

“(I) $511 per day and $5,110 in the aggregate for a use described in paragraph (1), (2), or (3) of section 5102(a); and

“(II) $200 per day and $2,000 in the aggregate for a use described in paragraph (4), (5), or (6) of section 5102(a).

“(B) REQUIRED COMPENSATION.—

“(i) IN GENERAL.—Subject to subparagraph (A)(ii), the employee’s required compensation under this subparagraph shall be not less than the greater of the following:

“(I) The employee’s regular rate of pay (as determined under section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)).

“(II) The minimum wage rate in effect under section 6(a)(1) of the
Fair Labor Standards Act of 1938
(29 U.S.C. 206(a)(1)).

“(III) The minimum wage rate in
effect for such employee in the applic-
cable State or locality, whichever is
greater, in which the employee is em-
ployed.

“(ii) SPECIAL RULE FOR CARE OF
FAMILY MEMBERS.—Subject to subpara-
graph (A)(ii), with respect to any paid sick
time provided for any use described in
paragraph (4), (5), or (6) of section
5102(a), the employee’s required com-
ensation under this subparagraph shall be
two-thirds of the amount described in
clause (B)(i).

“(C) VARYING SCHEDULE HOURS CAL-
CULATION.—In the case of a part-time em-
ployee described in section 5102(b)(2)(B) whose
schedule varies from week to week to such an
extent that an employer is unable to determine
with certainty the number of hours the em-
ployee would have worked if such employee had
not taken paid sick time under section 2(a), the
employer shall use the following in place of such number:

“(i) Subject to clause (ii), a number equal to the average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes the paid sick time, including hours for which the employee took leave of any type.

“(ii) If the employee did not work over such period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work.

“(D) GUIDELINES.—Not later than 15 days after the date of the enactment of this Act, the Secretary of Labor shall issue guidelines to assist employers in calculating the amount of paid sick time under subparagraph (A).

“(E) REASONABLE NOTICE.—After the first workday (or portion thereof) an employee receives paid sick time under this Act, an employer may require the employee to follow rea-
sonable notice procedures in order to continue receiving such paid sick time.

“SEC. 5111. REGULATORY AUTHORITIES.

“The Secretary of Labor shall have the authority to issue regulations for good cause under sections 553(b)(B) and 553(d)(A) of title 5, United States Code—

“(1) to exclude certain health care providers and emergency responders from the definition of employee under section 5110(1) including by allowing the employer of such health care providers and emergency responders to opt out;

“(2) to exempt small businesses with fewer than 50 employees from the requirements of section 5102(a)(5) when the imposition of such requirements would jeopardize the viability of the business as a going concern; and

“(3) as necessary, to carry out the purposes of this Act, including to ensure consistency between this Act and Division C and Division G of the Families First Coronavirus Response Act.”.

(4) Amend division F to read as follows: