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2<sup>D</sup> SESSION

# H. R. 4361

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20 (legislative day, SEPTEMBER 12), 1994

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Read twice and referred to the Committee on Governmental Affairs

OCTOBER 7 (legislative day, SEPTEMBER 12), 1994

Committee discharged

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## AN ACT

To amend title 5, United States Code, to provide that an employee of the Federal Government may use sick leave to attend to the medical needs of a family member; to modify the voluntary leave transfer program with respect to employees who are members of the same family; and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Federal Employees  
5       Family Friendly Leave Act”.

1 **SEC. 2. USE OF SICK LEAVE FOR PURPOSES RELATING TO**  
2 **A FAMILY MEMBER.**

3 Section 6307 of title 5, United States Code, is  
4 amended by adding at the end the following:

5 “(d)(1) For the purpose of this subsection, the term  
6 ‘family member’ shall have such meaning as the Office of  
7 Personnel Management shall by regulation prescribe, ex-  
8 cept that such term shall include any individual who meets  
9 the definition given that term, for purposes of the leave  
10 transfer program under subchapter III, under regulations  
11 prescribed by the Office (as in effect on January 1, 1994).

12 “(2) In addition to any other allowable purpose, sick  
13 leave may be used by an employee—

14 “(A) to give care or otherwise attend to a fam-  
15 ily member having an illness, injury, or other condi-  
16 tion which, if an employee had such condition, would  
17 justify the use of sick leave by such an employee; or

18 “(B) for purposes relating to the death of a  
19 family member, including to make arrangements for  
20 or attend the funeral of such family member.

21 “(3)(A) This subsection shall be effective during the  
22 3-year period that begins upon the expiration of the 2-  
23 month period that begins on the date of the enactment  
24 of this subsection.

25 “(B) Not later than 6 months before the date as of  
26 which this subsection is scheduled to cease to be effective,

1 the Office shall submit a report to Congress in which it  
2 shall evaluate the operation of this subsection and make  
3 recommendations as to whether or not this subsection  
4 should be continued beyond such date.”.

5 **SEC. 3. TRANSFERS OF ANNUAL LEAVE BETWEEN FAMILY**  
6 **MEMBERS.**

7 (a) AUTHORITY.—

8 (1) IN GENERAL.—Subchapter III of chapter  
9 63 of title 5, United States Code, is amended by in-  
10 sserting after section 6337 the following:

11 **“§ 6337a. Authority relating to transfers between fam-**  
12 **ily members**

13 “(a) The Office of Personnel Management shall mod-  
14 ify the program established by it under the other provi-  
15 sions of this subchapter such that, in addition to any cir-  
16 cumstance in which a transfer of annual leave would be  
17 permitted under those other provisions, such a transfer  
18 could also be made in the absence of any medical emer-  
19 gency, but only if the transfer is from an employee to a  
20 family member of the employee.

21 “(b) The terms and conditions applicable with respect  
22 to any transfer of leave under such other provisions of this  
23 subchapter shall also apply with respect to any transfer  
24 of leave under this section, except to the extent otherwise  
25 provided in this section.

1       “(c)(1) An application to receive any transfer of leave  
2 under this section shall, in addition to providing the infor-  
3 mation specified in section 6333(a)(1)(B)(i), identify the  
4 employee (complete with such evidence of relationship as  
5 may be required) from whom the applicant wishes to re-  
6 ceive leave.

7       “(2) Subsections (a)(1)(B)(ii)-(iii), (a)(2), and (c) of  
8 section 6333, and the exhaustion requirement under sub-  
9 section (b) of such section, shall not apply for purposes  
10 of this section.

11       “(3) An employee shall not be eligible to receive a  
12 transfer of leave under this section if or to the extent that  
13 the leave transfer would cause the total amount of annual  
14 leave available to such employee to exceed 240 hours.

15       “(d) In connection with applying section 6334 for  
16 purposes of this section, the Office may by regulation re-  
17 quire the inclusion of such information, on any application  
18 to which such section relates, as may be necessary to fa-  
19 cilitate the administration of this section.

20       “(e)(1) Sections 6335, 6336, and 6337 shall not  
21 apply for purposes of this section, except to the extent re-  
22 quired under subsection (g)(2).

23       “(2)(A) For purposes of carrying out the provisions  
24 of law cited in section 6335(b)(2) with respect to any em-  
25 ployee to whom a transfer of leave is made under this sec-

1 tion in the year in which the separation or other event  
2 (constituting the basis for the lump-sum payment in-  
3 volved) occurs, the total amount of leave based on which  
4 such payment is computed shall be equal to the total  
5 amount which would otherwise apply, reduced by the net  
6 amount of leave received by such employee in such year  
7 under this section, but not below zero.

8 “(B) For the purpose of subparagraph (A), the net  
9 amount of leave received under this section by an employee  
10 in a year shall be equal to the amount by which—

11 “(i) the total amount of leave received under  
12 this section by such employee in such year, exceeds

13 “(ii) the total amount of leave received under  
14 this section from such employee by any other em-  
15 ployee in such year,

16 if at all.

17 “(f) A determination under this section as to whether  
18 or not an employee is a family member of another em-  
19 ployee shall be made using the definition under section  
20 6307(d).

21 “(g) Nothing in this section shall be considered to  
22 permit an employee to make a transfer of leave under this  
23 section to any other employee if—

1           “(1) an application by or on behalf of such  
2       other employee under section 6333 has been ap-  
3       proved with respect to a medical emergency; and

4           “(2) such medical emergency has not yet termi-  
5       nated (as determined in accordance with section  
6       6335).

7       “(h)(1) Transfers of leave under this section may be  
8       made during the 3-year period which begins at the start  
9       of the first year beginning at least 60 days after the date  
10      of the enactment of this section. The beginning and ending  
11      dates of such 3-year period shall be fixed by the Office,  
12      in a manner consistent with section 6304, by regulation.

13       “(2) This section shall cease to be effective at the  
14      end of the 3-year period described in paragraph (1).

15       “(3) Not later than 6 months before the date as of  
16      which this section is scheduled to cease to be effective,  
17      the Office shall submit a report to Congress in which it  
18      shall evaluate the operation of this section and make rec-  
19      ommendations as to whether or not this section should be  
20      continued beyond such date.”.

21           (2) TABLE OF SECTIONS.—The table of sections  
22      for chapter 63 of title 5, United States Code, is  
23      amended by inserting after the item relating to sec-  
24      tion 6337 the following:

“6337a. Authority relating to transfers between family members.”.

1       (b) EXCEPTED AGENCIES.—Section 6339(c)(1) of  
2 title 5, United States Code, is amended by striking “emer-  
3 gency.” and inserting “emergency, or to the extent such  
4 a transfer would be allowable under section 6337a.”.

Passed the House of Representatives September 19,  
1994.

Attest:               DONNALD K. ANDERSON,  
*Clerk.*