

114TH CONGRESS  
1ST SESSION

# S. 1564

To require that employers provide not less than 10 days of paid vacation time to eligible employees, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 11, 2015

Mr. SANDERS introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To require that employers provide not less than 10 days of paid vacation time to eligible 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.**

4 This Act may be cited as the “Guaranteed Paid Vaca-  
5 tion Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ELIGIBLE EMPLOYEE.**—The term “eligible  
9 employee” means an employee who—

1 (A) has been employed for not less than 1  
2 year by the employer providing the paid vaca-  
3 tion time under section 3; and

4 (B) through such employment, has pro-  
5 vided not less than 1,250 hours of service to  
6 such employer during the previous year.

7 (2) EMPLOYEE.—The term “employee” means  
8 an individual who is—

9 (A)(i) an employee, as defined in section  
10 3(e) of the Fair Labor Standards Act of 1938  
11 (29 U.S.C. 203(e)), who is not covered under  
12 subparagraph (E), including such an employee  
13 of the Library of Congress, except that a ref-  
14 erence in such section to an employer shall be  
15 considered to be a reference to an employer who  
16 employs not less than 15 employees at any time  
17 during a calendar year and is described in  
18 clauses (i)(I) and (ii) of paragraph (3)(A); or

19 (ii) an employee of the Government Ac-  
20 countability Office;

21 (B) a State employee described in section  
22 304(a) of the Government Employee Rights Act  
23 of 1991 (42 U.S.C. 2000e–16c(a));

24 (C) a covered employee, as defined in sec-  
25 tion 101 of the Congressional Accountability

1 Act of 1995 (2 U.S.C. 1301), other than an ap-  
2 plicant for employment;

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

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

8 (3) EMPLOYER.—

9 (A) IN GENERAL.—The term “employer”  
10 means a person who employs not less than 15  
11 employees at any time during a calender year  
12 and is—

13 (i)(I) a covered employer, as defined  
14 in subparagraph (B), who is not covered  
15 under subelause (V);

16 (II) an entity employing a State em-  
17 ployee described in section 304(a) of the  
18 Government Employee Rights Act of 1991;

19 (III) an employing office, as defined  
20 in section 101 of the Congressional Ac-  
21 countability Act of 1995;

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

1 (V) an employing agency covered  
2 under subchapter V of chapter 63 of title  
3 5, United States Code; and

4 (ii) is engaged in commerce (including  
5 government), or an industry or activity af-  
6 fecting commerce (including government),  
7 as defined in subparagraph (B)(iii).

8 (B) COVERED EMPLOYER.—

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

11 (I) means any person engaged in  
12 commerce or in any industry or activ-  
13 ity affecting commerce;

14 (II) includes—

15 (aa) any person who acts,  
16 directly or indirectly, in the inter-  
17 est of an employer to any of the  
18 employees of such employer; and

19 (bb) any successor in inter-  
20 est of an employer;

21 (III) includes any “public agen-  
22 cy”, as defined in section 3(x) of the  
23 Fair Labor Standards Act of 1938  
24 (29 U.S.C. 203(x)); and

1 (IV) includes the Government  
2 Accountability Office and the Library  
3 of Congress.

4 (ii) PUBLIC AGENCY.—For purposes  
5 of clause (i)(III), a public agency shall be  
6 considered to be a person engaged in com-  
7 merce or in an industry or activity affect-  
8 ing commerce.

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

11 (I) COMMERCE.—The terms  
12 “commerce” and “industry or activity  
13 affecting commerce” mean any activ-  
14 ity, business, or industry in commerce  
15 or in which a labor dispute would  
16 hinder or obstruct commerce or the  
17 free flow of commerce, and include  
18 “commerce” and any “industry affect-  
19 ing commerce”, as defined in para-  
20 graphs (1) and (3) of section 501 of  
21 the Labor Management Relations Act,  
22 1947 (29 U.S.C. 142 (1) and (3)).

23 (II) EMPLOYEE.—The term “em-  
24 ployee” has the same meaning given  
25 such term in section 3(e) of the Fair

1 Labor Standards Act of 1938 (29  
2 U.S.C. 203(e)).

3 (III) PERSON.—The term “per-  
4 son” has the same meaning given  
5 such term in section 3(a) of the Fair  
6 Labor Standards Act of 1938 (29  
7 U.S.C. 203(a)).

8 (C) PREDECESSORS.—Any reference in  
9 this paragraph to an employer shall include a  
10 reference to any predecessor of such employer.

11 (4) PAID VACATION TIME.—The term “paid va-  
12 cation time” means an increment of compensated  
13 leave to which an eligible employee is entitled under  
14 section 3 to use during an absence from employ-  
15 ment, in accordance with the provisions of such sec-  
16 tion. For purposes of this paragraph and section 3,  
17 any sick leave, family leave, or leave otherwise re-  
18 quired by law (other than this Act) shall not be  
19 treated as or counted towards leave to which an eli-  
20 gible employee is entitled under section 3.

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

23 **SEC. 3. GUARANTEED PAID VACATION TIME.**

24 (a) IN GENERAL.—Beginning 1 year after the date  
25 of enactment of this Act, an eligible employee of an em-

1 ployer shall be entitled to not less than 10 days of paid  
2 vacation time during each 12-month period to be used on  
3 consecutive or nonconsecutive days.

4 (b) LIMITATION ON CARRYOVER.—Any paid vacation  
5 time that is not used during the applicable 12-month pe-  
6 riod shall not carry over to a subsequent 12-month period.

7 (c) WRITTEN NOTICE.—Not later than 15 days prior  
8 to the date on which an eligible employee is to begin to  
9 use any paid vacation time, the eligible employee shall pro-  
10 vide the employer with written notice of the intention to  
11 use such paid vacation time, including an indication of the  
12 dates on which such paid vacation time are to begin and  
13 end.

14 (d) COMPENSATION.—

15 (1) RATE OF COMPENSATION.—

16 (A) IN GENERAL.—Subject to subpara-  
17 graph (B), an eligible employee using paid vaca-  
18 tion time shall be compensated at the rate at  
19 which such eligible employee would be com-  
20 pensated if not using paid vacation time.

21 (B) TIPPED EMPLOYEES.—An eligible em-  
22 ployee who is a tipped employee using paid va-  
23 cation time shall be compensated at the rate in  
24 effect under section 6(a)(1) of the Fair Labor  
25 Standards Act of 1938 (29 U.S.C. 206(a)(1)).

## 1 (2) EMPLOYMENT BENEFITS.—

2 (A) IN GENERAL.—Any employment bene-  
3 fits offered to an eligible employee, when such  
4 eligible employee is not using paid vacation  
5 time, shall continue to be offered to such eligi-  
6 ble employee when such eligible employee is  
7 using paid vacation time. Such continued em-  
8 ployment benefits shall be offered at the same  
9 level and under the same conditions as employ-  
10 ment benefits offered to such eligible employee  
11 when such eligible employee is not using paid  
12 vacation time.

13 (B) COST CONTRIBUTIONS.—If the em-  
14 ployer requires an eligible employee to con-  
15 tribute to the cost of the benefits described in  
16 subparagraph (A), the employer may require  
17 that such eligible employee contribute to such  
18 cost during the use of paid vacation time at the  
19 same rate as the rate at which such eligible em-  
20 ployee would otherwise be required to con-  
21 tribute if not using paid vacation time.

22 (C) RESTORATION TO POSITION.—Any eli-  
23 gible employee who uses paid vacation time  
24 shall be entitled, on return from using such  
25 paid vacation time, to be restored by the em-



1           ployer to the position of employment held by  
 2           such eligible employee when such paid vacation  
 3           time commenced.

4           (e) EMPLOYERS WITH EXISTING POLICIES.—Any  
 5 employer with a paid leave policy who provides an amount  
 6 of paid leave that is sufficient to meet the requirements  
 7 of this section and that may be used under the same condi-  
 8 tions as the conditions described in this section shall not  
 9 be required to provide an eligible employee with additional  
 10 paid vacation time under this section.

11          (f) ENFORCEMENT.—

12                 (1) EMPLOYEES COVERED BY THE FAIR LABOR  
 13                 STANDARDS ACT OF 1938 AND OTHER EMPLOYEES.—

14                         (A) DEFINITION.—In this paragraph—

15                                 (i) the term “eligible employee”  
 16                                 means an eligible employee who is an em-  
 17                                 ployee described in subparagraph (A) or  
 18                                 (B) of section 2(2); and

19                                 (ii) the term “employer” means an  
 20                                 employer who employs not less than 15  
 21                                 employees at any time during a calendar  
 22                                 year and is described in subclause (I) or  
 23                                 (II) of section 2(3)(A)(i).

24                         (B) SECRETARY OF LABOR.—With respect  
 25                         to an eligible employee and an employer and

1           notwithstanding section 13 of the Fair Labor  
2           Standards Act of 1938 (29 U.S.C. 213), the  
3           Secretary shall receive, investigate, attempt to  
4           resolve, and enforce a complaint of a violation  
5           of this Act in the same manner that the Sec-  
6           retary receives, investigates, attempts to re-  
7           solve, and enforces a complaint of a violation of  
8           section 7 of the Fair Labor Standards Act of  
9           1938 (29 U.S.C. 207). An employer's liability  
10          for a violation under this Act shall be, as the  
11          case may be—

12                   (i) the amount of unpaid vacation  
13                   time owed to such employee under this sec-  
14                   tion, and an additional equal amount as  
15                   liquidated damages; or

16                   (ii) compensation in accordance with  
17                   subsection (d) for any uncompensated un-  
18                   paid vacation time used by the eligible em-  
19                   ployee, and an additional equal amount as  
20                   liquidated damages.

21           (C) GOVERNMENT ACCOUNTABILITY OF-  
22           FICE.—Notwithstanding any other provision of  
23           this paragraph, in the case of the Government  
24           Accountability Office and the Library of Con-  
25           gress, the authority of the Secretary under this

1 paragraph shall be exercised respectively by the  
2 Comptroller General of the United States and  
3 the Librarian of Congress.

4 (2) EMPLOYEES COVERED BY CONGRESSIONAL  
5 ACCOUNTABILITY ACT OF 1995.—The powers, reme-  
6 dies, and procedures provided in the Congressional  
7 Accountability Act of 1995 (2 U.S.C. 1301 et seq.)  
8 to the Board (as defined in section 101 of that Act  
9 (2 U.S.C. 1301)), or any person, alleging a violation  
10 of section 202(a)(1) of that Act (2 U.S.C.  
11 1312(a)(1)) shall be the powers, remedies, and pro-  
12 cedures this Act provides to that Board, or any per-  
13 son, alleging an unlawful employment practice in  
14 violation of this Act against an eligible employee who  
15 is an employee described in section 2(2)(C).

16 (3) EMPLOYEES COVERED BY CHAPTER 5 OF  
17 TITLE 3, UNITED STATES CODE.—The powers, reme-  
18 dies, and procedures provided in chapter 5 of title  
19 3, United States Code, to the President, the Merit  
20 Systems Protection Board, or any person, alleging a  
21 violation of section 412(a)(1) of that title, shall be  
22 the powers, remedies, and procedures this Act pro-  
23 vides to the President, that Board, or any person,  
24 respectively, alleging an unlawful employment prac-  
25 tice in violation of this Act against an eligible em-

1        ployee who is an employee described in section  
2        2(2)(D).

3            (4) EMPLOYEES COVERED BY CHAPTER 63 OF  
4        TITLE 5, UNITED STATES CODE.—The powers, rem-  
5        edies, and procedures provided in title 5, United  
6        States Code, to an employing agency, provided in  
7        chapter 12 of that title to the Merit Systems Protec-  
8        tion Board, or provided in that title to any person,  
9        alleging a violation of chapter 63 of that title, shall  
10       be the powers, remedies, and procedures this Act  
11       provides to that agency, that Board, or any person,  
12       respectively, alleging an unlawful employment prac-  
13       tice in violation of this Act against an eligible em-  
14       ployee who is an employee described in section  
15       2(2)(E).

16 **SEC. 4. PUBLIC AWARENESS CAMPAIGN BY THE DEPART-**  
17 **MENT OF LABOR.**

18        (a) IN GENERAL.—The Secretary is authorized to  
19        conduct a public awareness campaign, through the Inter-  
20        net and other media, to inform the public of an eligible  
21        employee’s entitlement to paid vacation time under this  
22        Act.

1       (b) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated such sums as may be  
3 necessary to carry out subsection (a).

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