

1 **“SEC. 3106. EFFECTIVE DATE.**

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

4 (3) Amend division E to read as follows:

5 **“DIVISION E—EMERGENCY PAID**  
6 **SICK LEAVE ACT**

7 **“SEC. 5101. SHORT TITLE.**

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

10 **“SEC. 5102. PAID SICK TIME REQUIREMENT.**

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

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

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

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

23 “(4) The employee is caring for an individual  
24 who is subject to an order as described in subpara-  
25 graph (1) or has been advised as described in para-  
26 graph (2).

1           “(5) The employee is caring for a son or daugh-  
2           ter of such employee if the school or place of care  
3           of the son or daughter has been closed, or the child  
4           care provider of such son or daughter is unavailable,  
5           due to COVID-19 precautions.

6           “(6) The employee is experiencing any other  
7           substantially similar condition specified by the Sec-  
8           retary of Health and Human Services in consulta-  
9           tion with the Secretary of the Treasury and the Sec-  
10          retary of Labor.

11 Except that an employer of an employee who is a health  
12 care provider or an emergency responder may elect to ex-  
13 clude such employee from the application of this sub-  
14 section.

15          “(b) DURATION OF PAID SICK TIME.—

16           “(1) IN GENERAL.—An employee shall be enti-  
17           tled to paid sick time for an amount of hours deter-  
18           mined under paragraph (2).

19           “(2) AMOUNT OF HOURS.—The amount of  
20           hours of paid sick time to which an employee is enti-  
21           tled shall be as follows:

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

23                   “(B) For part-time employees, a number  
24           of hours equal to the number of hours that

1           such employee works, on average, over a 2-week  
2           period.

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

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

10          “(d) PROHIBITION.—An employer may not require,  
11          as a condition of providing paid sick time under this Act,  
12          that the employee involved search for or find a replace-  
13          ment employee to cover the hours during which the em-  
14          ployee is using paid sick time.

15          “(e) USE OF PAID SICK TIME.—

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

21                 “(2) SEQUENCING.—

22                         “(A) IN GENERAL.—An employee may first  
23                         use the paid sick time under subsection (a) for  
24                         the purposes described in such subsection.

1                   “(B) PROHIBITION.—An employer may not  
2                   require an employee to use other paid leave pro-  
3                   vided by the employer to the employee before  
4                   the employee uses the paid sick time under sub-  
5                   section (a).

6 **“SEC. 5103. NOTICE.**

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

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

16 **“SEC. 5104. PROHIBITED ACTS.**

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

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

22                         “(2) has filed any complaint or instituted or  
23                         caused to be instituted any proceeding under or re-  
24                         lated to this Act (including a proceeding that seeks

1 enforcement of this Act), or has testified or is about  
2 to testify in any such proceeding.

3 **“SEC. 5105. ENFORCEMENT.**

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

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

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

12 “(b) UNLAWFUL TERMINATION.—An employer who  
13 willfully violates section 5104 shall—

14 “(1) be considered to be in violation of section  
15 15(a)(3) of the Fair Labor Standards Act of 1938  
16 (29 U.S.C. 215(a)(3)); and

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

20 **“SEC. 5106. EMPLOYMENT UNDER MULTI-EMPLOYER BAR-**  
21 **GAINING AGREEMENTS.**

22 “(a) EMPLOYERS.—An employer signatory to a mul-  
23 tiemployer collective bargaining agreement may, con-  
24 sistent with its bargaining obligations and its collective  
25 bargaining agreement, fulfill its obligations under this Act