

118TH CONGRESS  
1ST SESSION

# H. R. 5563

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

SEPTEMBER 19, 2023

Ms. DELAURO (for herself, Ms. SCHAKOWSKY, Ms. NORTON, Ms. LEE of California, Ms. BUDZINSKI, Mr. DAVIS of Illinois, Mr. CLEAVER, and Mr. LYNCH) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on House Administration, Oversight and Accountability, 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. Women are primary breadwinners or  
10 co-breadwinners in  $\frac{2}{3}$  of families with children in  
11 the United States.

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, nearly 7 in 10 mothers in the  $\frac{1}{5}$   
22 of households in the United States with the lowest  
23 incomes bring home all or most of their families’ in-  
24 come, compared to less than  $\frac{1}{3}$  of their counterparts  
25 in the highest-income quintile.

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

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

22                 (ii) more than 1 in 5 hourly retail and food  
23                 service workers have been scheduled for on-call  
24                 shifts, and more than 1 in 3 have worked  
25                 “clopening” shifts; and

1 (iii) 65 percent of hourly retail and food  
2 service workers would like a more stable and  
3 predictable schedule.

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

6 (A) provide necessary care for children and  
7 other family members, including securing and  
8 maintaining stable child care;

9 (B) access and receive needed care for the  
10 workers' own serious health conditions;

11 (C) pursue workforce training;

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

14 (E) plan for and access transportation to  
15 reach worksites; and

16 (F) qualify for and maintain eligibility for  
17 needed public benefits and work supports, such  
18 as child care subsidies and benefits under the  
19 supplemental nutrition assistance program, due  
20 to fluctuations in income and work hours.

21 (5) Unstable work schedules pre-date the pan-  
22 demic and economic recession caused by COVID-19,  
23 but the harm of these workplace practices was exae-  
24 rberated as millions of workers risked their own  
25 health and safety at jobs with few protections, vola-

1 tile schedules, and inadequate hours, in an effort to  
2 support themselves and their families. Employers  
3 continued to use “just-in-time” scheduling practices  
4 throughout the pandemic, even as workers faced ad-  
5 ditional caregiving challenges due to school and child  
6 care closures and quarantines.

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

24 (A) Unstable work schedules lead to more  
25 household economic strain and time conflicts

1 and undermine the well-being of parents, all of  
2 which can negatively impact children's health  
3 and behavior.

4 (B) Workers with the most severe insta-  
5 bility in their work schedules also face the high-  
6 est risk of negative behavior and health out-  
7 comes for their children.

8 (C) The exposure of a parent to on-call  
9 shifts and last-minute shift changes are associ-  
10 ated with more unstable child care arrange-  
11 ments and with the use of siblings to provide  
12 care.

13 (D) Work schedule instability causes more  
14 work-family conflict, which increases the chance  
15 that a worker will be forced to leave his or her  
16 job, and is associated with downward mobility  
17 of the earnings of the worker.

18 (E)(i) Relative to White workers, workers  
19 of color are more likely to—

20 (I) have cancelled shifts;

21 (II) have on-call shifts;

22 (III) be involuntary part-time work-  
23 ers;

24 (IV) have trouble getting time off;

25 and

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

3 (ii) The statistics described in clause (i) re-  
4 main true after controlling for demographics,  
5 human capital, worker power, firm segregation,  
6 and discordance with the race or ethnicity of  
7 the worker and the manager. Race gaps in job  
8 quality are greater for women of color.

9 (F) Workers who receive shorter advance  
10 notice, who work on-call shifts, who experience  
11 last-minute shift cancellation and timing  
12 changes, or who have more volatile work hours  
13 are more likely to experience hunger, residential  
14 hardships, and greater overall economic hard-  
15 ship.

16 (7) Unpredictable and unstable work schedules  
17 are common in a wide range of occupations, with  
18 evidence of particular concentration in food service,  
19 retail, cleaning, hospitality, and warehouse occupa-  
20 tions. These occupations are critically important to  
21 the United States economy.

22 (8) Employers that have implemented fair work  
23 scheduling policies that allow workers to have more  
24 control over their work schedules, and provide more  
25 predictable and stable schedules, have experienced

1 significant benefits, including reductions in absentee-  
2 ism and workforce turnover, and increased worker  
3 morale and engagement. For example, when Gap  
4 Inc. piloted strategies to make work schedules more  
5 stable and predictable for employees, the Gap Inc.  
6 stores that implemented these strategies experienced  
7 higher productivity and a 7 percent increase in sales,  
8 compared to those Gap Inc. stores that did not im-  
9 plement these strategies.

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

13 **SEC. 2. DEFINITIONS.**

14 In this Act:

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

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

22 (B) a significant detrimental effect on the  
23 employer’s ability to meet organizational needs  
24 or customer demand;

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

5 (D) a significant detrimental effect on  
6 business performance;

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

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

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

18 (2) CAREER-RELATED EDUCATIONAL OR TRAIN-  
19 ING PROGRAM.—The term “career-related edu-  
20 cational or training program” means an educational  
21 or training program or program of study offered by  
22 a public, private, or nonprofit career and technical  
23 education school, institution of higher education, or  
24 other entity that provides academic education, career  
25 and technical education, or training (including reme-

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

14               (3) CAREGIVER.—The term “caregiver” means  
15      an individual with the status of being a significant  
16      provider of—

17                       (A) ongoing care or education, including  
18                       responsibility for securing the ongoing care or  
19                       education, of a child; or

20                       (B) ongoing care, including responsibility  
21                       for securing the ongoing care, of—

22                               (i) a person with a serious health con-  
23                               dition who is in a family relationship with  
24                               the individual; or

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

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

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

13                  (6) COVERED EMPLOYER.—

14                  (A) IN GENERAL.—The term “covered em-  
15                  ployer”—

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

20                         (ii) includes any person who acts, di-  
21                         rectly or indirectly, in the interest of such  
22                         an employer to any of the employees (de-  
23                         scribed in paragraph (10)(A)) of such em-  
24                         ployer;

1 (iii) includes any successor in interest  
2 of such an employer; and

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

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

21 (C) PERSON.—In this paragraph, the term  
22 “person” has the meaning given the term in  
23 section 3 of the Fair Labor Standards Act of  
24 1938 (29 U.S.C. 203).

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

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

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

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

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

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

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

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

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

21 (A) an employee, as defined in section 3(e)  
22 of the Fair Labor Standards Act of 1938 (29  
23 U.S.C. 203(e)), who is not described in any of  
24 subparagraphs (B) through (G);

1 (B) a State employee described in section  
2 304(a) of the Government Employee Rights Act  
3 of 1991 (42 U.S.C. 2000e-16c(a));

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

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

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

13 (F) an employee of the Library of Con-  
14 gress; or

15 (G) an employee of the Government Ac-  
16 countability Office.

17 (11) EMPLOYER.—The term “employer” means  
18 a person—

19 (A) who is—

20 (i) a covered employer, as defined in  
21 paragraph (6), who is not described in any  
22 of clauses (ii) through (vii);

23 (ii) an entity employing a State em-  
24 ployee described in section 304(a) of the  
25 Government Employee Rights Act of 1991;

1 (iii) an employing office, as defined in  
2 section 101 of the Congressional Account-  
3 ability Act of 1995;

4 (iv) an employing office, as defined in  
5 section 411(c) of title 3, United States  
6 Code;

7 (v) an employing agency covered  
8 under subchapter V of chapter 63 of title  
9 5, United States Code;

10 (vi) the Librarian of Congress; or

11 (vii) the Comptroller General of the  
12 United States; and

13 (B) who is engaged in commerce (including  
14 government), in the production of goods for  
15 commerce, or in an enterprise engaged in com-  
16 merce (including government) or in the produc-  
17 tion of goods for commerce.

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

20 (A) a child, spouse, domestic partner, par-  
21 ent, grandchild, grandparent, sibling, or parent  
22 of a spouse or domestic partner; or

23 (B) any individual related to the employee  
24 involved by blood or affinity, whose close asso-  
25 ciation with the employee is the equivalent of a

1 family relationship described in subparagraph  
2 (A).

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

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

7 (15) HOSPITALITY ESTABLISHMENT.—The  
8 term “hospitality establishment” means a hotel,  
9 motel, inn, or similar transient lodging establish-  
10 ment.

11 (16) MINIMUM NUMBER OF EXPECTED WORK  
12 HOURS.—The term “minimum number of expected  
13 work hours” means the minimum number of hours  
14 an employee will be assigned to work on a weekly or  
15 monthly basis.

16 (17) NONEXEMPT EMPLOYEE.—The term “non-  
17 exempt employee” means an employee who is not  
18 employed in a bona fide executive, administrative, or  
19 professional capacity, as defined for purposes of sec-  
20 tion 13(a)(1) of the Fair Labor Standards Act of  
21 1938 (29 U.S.C. 213(a)(1)).

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

25 (A) be available to work; and

1           (B) contact the employer or the designee  
2           of the employer, or wait to be contacted by the  
3           employer or designee, to determine whether the  
4           employee is required to report to work at that  
5           time.

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

10          (20) PARENTAL RELATIONSHIP.—The term  
11          “parental relationship” means a relationship in  
12          which a person assumed the obligations incident to  
13          parenthood for a child and discharged those obliga-  
14          tions before the child reached adulthood.

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

17          (22) SERIOUS HEALTH CONDITION.—The term  
18          “serious health condition” has the meaning given  
19          the term in section 101 of the Family and Medical  
20          Leave Act of 1993 (29 U.S.C. 2611).

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

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

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

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

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

12          (A) a marriage as defined or recognized  
13 under State law in the State in which the mar-  
14 riage was entered into; or

15          (B) in the case of a marriage entered into  
16 outside of any State, a marriage that is recog-  
17 nized in the place where entered into and could  
18 have been entered into in at least 1 State.

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

22          (27) WAREHOUSE ESTABLISHMENT.—The term  
23 “warehouse establishment” means any business that  
24 engages primarily in the storage of goods, wares, or  
25 commodities for hire or compensation, and, in con-

1 nection with such storage, may include the loading,  
2 packing, sorting, stacking, wrapping, distribution, or  
3 delivery of those goods, wares, or commodities.

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

9 (29) WORK SCHEDULE CHANGE.—The term  
10 “work schedule change” means any modification to  
11 an employee’s work schedule, such as an addition or  
12 reduction of hours, cancellation of a shift, or a  
13 change in the date or time of a work shift, by an  
14 employer.

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

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

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

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

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

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

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

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

10       (b) EMPLOYER OBLIGATION TO ENGAGE IN AN  
11 INTERACTIVE PROCESS.—

12           (1) IN GENERAL.—If an employee requests a  
13 change in the terms and conditions of employment  
14 as set forth in subsection (a), the employer shall en-  
15 gage in a timely, good-faith interactive process with  
16 the employee that includes a discussion of potential  
17 schedule changes that would meet the employee’s  
18 needs.

19           (2) RESULT.—Such process shall result in—

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

22               (B) in the event of a denial—

23                   (i) considering alternatives to the pro-  
24 posed change that might meet the employ-  
25 ee’s needs and granting or denying a re-

1                   quest for an alternative change in the  
2                   terms and conditions of employment as set  
3                   forth in subsection (a); and

4                   (ii) stating the reason for denial, in-  
5                   cluding whether any such reason is a bona  
6                   fide business reason.

7                   (3) INFORMATION.—If information provided by  
8                   the employee making a request under this section re-  
9                   quires clarification, the employer shall explain what  
10                  further information is needed and give the employee  
11                  reasonable time to produce the information.

12                  (c) REQUESTS RELATED TO SERIOUS HEALTH CON-  
13                  DITION, CAREGIVING, ENROLLMENT IN EDUCATION OR  
14                  TRAINING, OR A SECOND JOB.—If an employee makes a  
15                  request for a change in the terms and conditions of em-  
16                  ployment as set forth in subsection (a), specifying that the  
17                  request is because of the employee’s serious health condi-  
18                  tion, the employee’s responsibilities as a caregiver, the em-  
19                  ployee’s enrollment in a career-related educational or  
20                  training program, or a reason related to the employee’s  
21                  second job, the employer shall grant the request, unless  
22                  the employer has a bona fide business reason for denying  
23                  the request.

24                  (d) OTHER REQUESTS.—If an employee makes a re-  
25                  quest for a change in the terms and conditions of employ-

1 ment as set forth in subsection (a), for a reason other than  
 2 those reasons set forth in subsection (c), the employer may  
 3 deny the request for any reason that is not unlawful. If  
 4 the employer denies such a request, the employer shall  
 5 provide the employee with the reason for the denial, in-  
 6 cluding whether any such reason is a bona fide business  
 7 reason.

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

12 (a) ADVANCE NOTICE REQUIREMENT.—

13 (1) PROVIDING NOTICE OF WORK SCHED-  
 14 ULES.—

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

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

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

23 (B) COMPENSATION FOR FAILURE TO PRO-  
 24 VIDE NOTICE OF WORK SCHEDULE.—An em-  
 25 ployer that violates subparagraph (A) shall

1           compensate each affected employee in the  
2           amount of \$75 per day that a work schedule is  
3           not provided in violation of such subparagraph.

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

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

12                  (ii) the employer provides predict-  
13                  ability pay for such change in accordance  
14                  with subsection (b).

15          (D) MINIMUM EXPECTED WORK HOURS.—

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

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

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

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

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

21 (II) the day before the effective  
22 date of a significant change to the  
23 minimum expected work hours of the  
24 employee due to changes in the avail-

1 ability of the employee or to the busi-  
2 ness needs of the employer.

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

7 (3) SCHEDULE POSTING REQUIREMENT.—

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

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

24 (C) CONSENT.—Except as described in  
25 subsection (b)(2), if a covered sector employee

1 voluntarily consents to work any hours not  
2 posted under subparagraph (A), such consent  
3 must be recorded in writing.

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

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

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

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

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

24 (A) The covered sector employee’s regular  
25 rate of pay per hour that the employee works

1 plus one additional hour at such regular rate  
2 per work schedule change if the employer—

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

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

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

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

21 (A) A covered sector employee requests a  
22 shift change in writing, including through the  
23 use of sick leave, vacation leave, or any other  
24 leave policy offered by the employer.

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

7 (C) The employer's operations cannot  
8 begin or continue due to—

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

11 (ii) the failure of a public utility or  
12 the shutdown of public transportation;

13 (iii) a fire, flood, or other natural dis-  
14 aster;

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

20 (v) a severe weather condition that  
21 poses a threat to employee safety.

22 (c) SPLIT SHIFT PAY REQUIREMENT.—An employer  
23 shall pay a covered sector employee for 1 additional hour  
24 at the employee's regular rate of pay for each day during  
25 which the employee works a split shift.

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

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

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

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

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

20 (b) CONSENT.—

21 (1) IN GENERAL.—An employee may consent to  
22 work a shift as described in subsection (a), if the  
23 covered employer obtains the employee’s consent in  
24 writing. Such consent may be for each such shift or  
25 for multiple shifts.

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

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

10 **SEC. 6. PROHIBITED ACTS.**

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

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

1 the terms and conditions of employment, as described in  
2 such section, on the basis of a reason set forth in section  
3 3(c).

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

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

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

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

17 **SEC. 7. REMEDIES AND ENFORCEMENT.**

18 (a) INVESTIGATIVE AUTHORITY.—

19 (1) IN GENERAL.—To ensure compliance with  
20 this Act, or any regulation or order issued under  
21 this Act, the Secretary shall have, subject to para-  
22 graph (3), the investigative authority provided under  
23 section 11(a) of the Fair Labor Standards Act of  
24 1938 (29 U.S.C. 211(a)).

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

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

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

20          (b) CIVIL ACTION BY EMPLOYEES.—

21                 (1) LIABILITY.—

22                         (A) IN GENERAL.—Any employer who vio-  
23                         lates subsection (a) of section 6 (with respect to  
24                         a right provided under section 3 or 5 or sub-  
25                         section (a), (b), or (c) of section 4) or sub-

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

5 (i) damages equal to the amount of—

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

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

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

23 (iii) except as described in subpara-  
24 graph (B), an additional amount as liq-  
25 uidated damages equal to the sum of the

1 amount described in clause (i) and the in-  
2 terest described in clause (ii); and

3 (iv) such equitable relief as may be  
4 appropriate, including employment, rein-  
5 statement, and promotion.

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

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

22 (A) the employees; or

23 (B) the employees and any other employees  
24 similarly situated.

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

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

15          (c) ACTIONS BY THE SECRETARY.—

16          (1) ADMINISTRATIVE ACTION.—The Secretary  
17          shall receive, investigate, and attempt to resolve  
18          complaints of violations of this Act in the same man-  
19          ner that the Secretary receives, investigates, and at-  
20          tempts to resolve complaints of violations of sections  
21          6 and 7 of the Fair Labor Standards Act of 1938  
22          (29 U.S.C. 206 and 207), and may issue an order  
23          making determinations, and assessing a civil penalty  
24          described in paragraph (3) (in accordance with para-  
25          graph (3)), with respect to such an alleged violation.

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

14           (3) CIVIL PENALTY.—

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

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

21           (ii) subsection (b) or (c) of section 6  
22 shall be subject to a civil penalty in an  
23 amount per violation that is not less than  
24 \$1,100 and not more than \$5,000.

1 (B) WILLFULLY AND REPEATEDLY.—For  
2 purposes of subparagraph (A):

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

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

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

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

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

22 (A) restrain violations of this Act;

23 (B) award such equitable relief as may be  
24 appropriate, including employment, reinstatement,  
25 and promotion; and

1 (C) in the case of a violation of a covered  
2 provision, recover the damages and interest de-  
3 scribed in clauses (i) through (iii) of subsection  
4 (b)(1)(A).

5 (d) LIMITATION.—

6 (1) IN GENERAL.—Except as provided in para-  
7 graph (2), an action may be brought under this sec-  
8 tion not later than 2 years after the date of the last  
9 event constituting the alleged violation for which the  
10 action is brought.

11 (2) WILLFUL VIOLATION.—In the case of such  
12 action brought for a willful violation of section 6,  
13 such action may be brought within 3 years of the  
14 date of the last event constituting the alleged viola-  
15 tion for which such action is brought.

16 (3) COMMENCEMENT.—In determining when an  
17 action is commenced by the Secretary or by an em-  
18 ployee under this section for the purposes of this  
19 subsection, it shall be considered to be commenced  
20 on the date when the complaint is filed.

21 (e) OTHER ADMINISTRATIVE OFFICERS.—

22 (1) BOARD.—In the case of employees described  
23 in section 2(10)(C), the authority of the Secretary  
24 under this Act shall be exercised by the Board of Di-

1       rectors of the Office of Congressional Workplace  
2       Rights.

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

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

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

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

21   **SEC. 8. NOTICE AND POSTING.**

22              (a) IN GENERAL.—Each employer shall post and  
23      keep posted, in conspicuous places on the premises of the  
24      employer where notices to employees and applicants for  
25      employment are customarily posted, a notice, to be pre-

1 pared or approved by the Secretary (or, as applicable, the  
2 corresponding administrative officer specified in section  
3 7(e)) setting forth excerpts from, or summaries of, the  
4 pertinent provisions of this Act and information pertaining  
5 to the filing of a complaint under this Act.

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

9 **SEC. 9. REGULATIONS.**

10 (a) SECRETARY OF LABOR.—

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

16 (2) REGULATIONS REGARDING ADDITIONAL OC-  
17 CUPATIONS TO BE COVERED.—

18 (A) IN GENERAL.—In carrying out para-  
19 graph (1), the Secretary shall issue regulations  
20 that specify a process the Secretary will follow,  
21 in accordance with subparagraph (B), to iden-  
22 tify and designate occupations in addition to re-  
23 tail, food service, cleaning, hospitality, or ware-  
24 house occupations that are appropriate for cov-  
25 erage under section 4.

1 (B) CRITERIA.—The regulations under  
2 subparagraph (A) shall provide that the Sec-  
3 retary shall so designate an additional occupa-  
4 tion—

5 (i) in which not less than 10 percent  
6 of workers employed in the occupation gen-  
7 erally—

8 (I) receive advance notice of their  
9 work schedules less than 14 days be-  
10 fore the first day of the work sched-  
11 ules; or

12 (II) experience fluctuations in the  
13 number of hours the employees are  
14 scheduled to work on a daily, weekly,  
15 or monthly basis; or

16 (ii) for which the Secretary deter-  
17 mines such designation is appropriate.

18 (C) DATA REVIEW.—In issuing regulations  
19 under subparagraph (A), the Secretary shall  
20 specify the process by which the Department of  
21 Labor will review data from stakeholders, and  
22 data collected or generated by the Department,  
23 in designating occupations.

24 (b) BOARD.—

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

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

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 Board may determine, for good cause  
25 shown and stated together with the regulations

1 issued by the Board, that a modification of such  
2 substantive regulations would be more effective for  
3 the implementation of the rights and protections  
4 under this Act with respect to the employees de-  
5 scribed in section 2(10)(C).

6 (c) PRESIDENT.—

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

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

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

1 substantive regulations would be more effective for  
2 the implementation of the rights and protections  
3 under this Act with respect to the employees de-  
4 scribed in section 2(10)(D).

5 (d) OFFICE OF PERSONNEL MANAGEMENT.—

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

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

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

1 Act with respect to the employees described in sec-  
2 tion 2(10)(E).

3 (e) LIBRARIAN OF CONGRESS.—

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

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

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

1 (f) COMPTROLLER GENERAL.—

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

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

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

1 **SEC. 10. RESEARCH, EDUCATION, AND TECHNICAL ASSIST-**  
2 **ANCE PROGRAM AND SURVEYS.**

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

7 (b) PROGRAM.—In order to achieve the objectives of  
8 this Act—

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

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

19 (A)(i) conducting pilot programs that im-  
20 plement fairer work schedules, including by pro-  
21 moting cross training, providing 3 weeks or  
22 more advance notice of schedules, providing em-  
23 ployees with a minimum number of hours of  
24 work, and using electronic workforce manage-  
25 ment systems to provide more flexible, predict-  
26 able, and stable schedules for employees; and

1           (ii) evaluating the results of such pilot pro-  
2           grams for employees, employee's families, and  
3           employers;

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

11          (C) sponsoring and assisting State and  
12          community informational and educational pro-  
13          grams; and

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

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

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

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

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

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

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

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

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

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

23 **SEC. 12. EXEMPTION.**

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

1           (1) the terms of the collective bargaining agree-  
2           ment include terms that govern work scheduling  
3           practices; and

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

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

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

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

○