

Elizabeth Drye-DPC **Box #2 -- Misc. 1997 Winter-Spring Events/Issues**

Folders

Events Lists

FMLA/Federal Workers EO and Radio Address

Augusta, GA August 5 Education Roundtable

GA Participant List/Script

GA Handouts

GA Follow-up

GA Event Memos

National PTA

GA Programs

GA Contracts

GA Bios

GA Clinton Programs

GA Notes

Child Safety Seats Radio Address

Cloning

Cloning Contacts

Cloning Q&A/Fact Sheet

Cloning Documents

Cloning Legislation

Cloning (general)

Cloning - NBAC

Cloning - Final Materials

Cloning - Event

Cloning - "G8"

Final Report

Cloning - Press

Bioethics - General

OPM Jerry Mikowicz ^{pb} 606-2858
^{fax} 606-2856 ~~no~~ 0824

Loraine Lewis Anna
phone 606-1700
606-1982
Fax - 606-2609

DOL John Frasier 219-8305 Wye Har
Rick Brennan ^{fax 219-4753} 219-8412 DOL
Cathy Curran — 219-7411

Joanne Perrini

OPM

606-0824

Final Fact Sheet
and Q&A.

Thanks for OPM's help!

**President Clinton Acts to
Expand Family and Medical Leave
April 12, 1997**

To assist families in meeting the needs of young children and other family members, the President called on Congress to pass legislation expanding the Family and Medical Leave Act. The FMLA currently allows workers to take up to 12 weeks unpaid leave to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child, or spouse. In June, 1996 President Clinton proposed to expand the Family and Medical Leave Act (FMLA) to allow workers to take unpaid hours off -- up to 24 hours a year -- for school and early childhood education activities, routine family medical care, and additional activities related to caring for an elderly relative.

Today President Clinton asked Federal agencies to implement his expanded leave policy immediately for Federal workers. The President asked agencies to ensure employees can take up to 24 hours of unpaid leave for the following activities:

- **School and early childhood education activities** -- to allow employees to participate in school activities directly related to the educational advancement of their child, including child care and Head Start activities. Parental involvement in a child's education is an important determinant of the child's success. Parents could use leave to attend parent-teacher conferences or meetings with child care providers, or to interview for a new school or child care facility.
- **Routine family medical or dental appointments** -- to allow parents to accompany children to routine medical or dental visits, such as annual checkups or vaccinations.
- **Elderly relatives' health and care needs** -- to allow employees to accompany an elderly relative to routine medical or dental appointments or other professional services related to the elderly relative's care, such as interviewing nursing or group homes.

The Family and Medical Leave Act Works. Based on data in a 1996 report of the bipartisan Commission on Leave, more than 12 million American workers have taken leave for reasons covered by the FMLA since the law's enactment in 1993, and 90% of businesses covered by the law find that it's easy to administer and that it costs them little or nothing.

The Clinton Administration is Building a Family Friendly Federal Workplace.

- In 1994 the President signed the Federal Employees Family Friendly Leave Act allowing employees to use sick leave for routine medical appointments for family members. The President's action today allows employees to take time off for this purpose even when sick leave is unavailable.
- Federal employers have discretion now to approve employees' requests for time off for school activities, routine medical visits, and elder care. Today, the President urged Federal supervisors to exercise their discretion on a routine basis -- to the fullest extent possible -- to give their employees up to 24 hours of unpaid leave for these activities.

April 11, 1997

EXPANDED FAMILY FRIENDLY LEAVE POLICIES

1. Why is the President issuing this memorandum?
 - o The President is asking Federal agencies to better assist employees in meeting their work and family demands. He is asking agencies to implement his proposal to expand the Family and Medical Leave Act of 1993 (FMLA).
 - o The President is urging agencies to ensure that employees may take up to 24 hours of leave without pay for three purposes:
 - (1) to participate in school activities directly related to the educational advancement of a child;
 - (2) to accompany their children to routine medical or dental appointments; and
 - (3) to accompany their elderly relatives to routine medical or dental appointments or other professional services.
2. Does this really change anything for Federal employees?
 - o Supervisors have discretion to grant employees time off for the purposes mentioned in the President's memorandum. The memorandum is important because it makes clear that the President wants agencies to help employees meet their family demands by granting up to 24 hours of unpaid leave. The memorandum will ensure that agencies--and front line supervisors -- establish and maintain a family friendly work environment.
3. Can employees use the 24 hours of leave without pay intermittently (i.e., 1 hour or 1 day at a time)?
 - o Yes.
4. What are the cost implications of this proposal?
 - o The use of 24 hours of leave without pay will not increase the Government's payroll costs. We believe the Government's commitment to its employees will lead to an overall increase in productivity as employees are better able to meet their work and family demands .
5. Didn't the President already propose legislation to address these needs?

- o In September 1996, the President proposed the "Family Friendly Workplace Act of 1996" to Congress which included expanding the Family and Medical Leave Act of 1993 (FMLA). The proposed legislation would entitle public and private sector employees to up to 24 hours of unpaid leave each year to fulfill certain family obligations, such as participating in school activities, accompanying their children to doctor's appointments, and tending to elderly relatives' needs.
 - o Today the President has asked Congress to enact such legislation.
 - o In the interim, the President, by his action today, has enabled federal employees to benefit from these family-friendly policies.
6. Can the President require agencies to give employees 24 hours of unpaid leave for these purposes?
- o Only Congress can create a legal right to this unpaid leave, but the President can make clear that he wishes agency supervisors to use their existing discretion to grant such leave on a routine basis and to the fullest extent consistent with their agency's mission.
7. Can't Federal employees already use sick leave for routine medical appointments (e.g., "well child visits") ?
- o Yes. Federal employees may use sick leave for family care, including taking children to routine medical appointments. However, the use of sick leave for family care is limited for most employees to a total of 13 days each year. Approving the use of up to 24 hours of leave without pay for routine medical appointments will help newer employees with low sick leave balances, as well as employees who have exhausted their entitlement to use sick leave for family care as a result of coping with their own illness or that of family members.
8. Does an employee have to schedule the leave in advance?
- o Where the need for leave is foreseeable (e.g., a scheduled parent-teacher conference or medical appointment), an employee should give 7 days' notice of his or her intent to use leave without pay for the purposes outlined in the President's memorandum. If the need for leave is not foreseeable, the employee should give such notice as is practicable.
9. Does this memorandum mean, in effect, that an employee is limited to only 24 hours of leave without pay each year for these purposes?
- o No. The President's memorandum encourages agencies to provide up to 24 hours

of leave without pay each year for these purposes. However, this does not limit or prohibit an employee from requesting and receiving additional leave or other time off for school activities, routine family medical purposes, and elderly relatives' health needs.

10. Didn't the President already issue a memorandum on "Implementing Federal Family Friendly Work Arrangements" on June 21, 1996? What's new here?

- o In June 1996, the President directed agencies to review their personnel practices and develop a plan of action to use existing flexibilities and, to the extent feasible, expand their family friendly work arrangements. Since then, agencies have been working with the Vice President's National Performance Review, to, among other things, increase opportunities for telecommuting and obtaining referral services for child care and elder care.
- o The current memorandum is the latest building block in a series of initiatives that is intended to further strengthen the Government's family friendly working environment.

11. Why doesn't the President's memorandum address compensatory time, the other half of the legislation?

- o The statutes governing Federal employees already provide compensatory time. Therefore, it was unnecessary to address it in the President's memorandum.

**President Clinton Acts to
Expand Family and Medical Leave
April 12, 1997**

To assist families in meeting the needs of young children and other family members, the President called on Congress to pass legislation expanding the Family and Medical Leave Act. The FMLA currently allows workers to take up to 12 weeks unpaid leave to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child, or spouse. In June, 1996 President Clinton proposed to expand the Family and Medical Leave Act (FMLA) to allow workers to take unpaid hours off -- up to 24 hours a year -- for school and early childhood education activities, routine family medical care, and additional activities related to caring for an elderly relative.

Today President Clinton asked Federal agencies to implement his expanded leave policy immediately for Federal workers. The President asked agencies to ensure employees can take up to 24 hours of unpaid leave for the following activities:

- **School and early childhood education activities** -- to allow employees to participate in school activities directly related to the educational advancement of their child, including child care and Head Start activities. Parental involvement in a child's education is an important determinant of the child's success. Parents could use leave to attend parent-teacher conferences or meetings with child care providers, or to interview for a new school or child care facility.
- **Routine family medical or dental appointments** -- to allow parents to accompany children to routine medical or dental visits, such as annual checkups or vaccinations.
- **Elderly relatives' health and care needs** -- to allow employees to accompany an elderly relative to routine medical or dental appointments or other professional services related to the elderly relative's care, such as interviewing nursing or group homes.

The Family and Medical Leave Act Works. Based on data in a 1996 report of the bipartisan Commission on Leave, more than 12 million American workers have taken leave for reasons covered by the FMLA since the law's enactment in 1993, and 90% of businesses covered by the law find that it's easy to administer and that it costs them little or nothing.

The Clinton Administration is Building a Family Friendly Federal Workplace.

- In 1994 the President signed the Federal Employees Family Friendly Leave Act allowing employees to use sick leave for routine medical appointments for family members. The President's action today allows employees to take time off for this purpose even when sick leave is unavailable.
- Federal employers have discretion now to approve employees' requests for time off for school activities, routine medical visits, and elder care. Today, the President urged Federal supervisors to exercise their discretion on a routine basis -- to the fullest extent possible -- to give their employees up to 24 hours of unpaid leave for these activities.

Question: The President's bill last year included not only expansion of FMLA leave but also compensatory time-off. So why is he not also using this memorandum to direct Federal agencies to implement comp time in the Federal sector?

Answer: Compensatory time is already available under current law for Federal employees.

Question: So, if Federal employees already have comp time, why is the President threatening to veto legislation in the Congress that would extend comp time to private sector employees?

Answer: The President supports comp time for employees in the private sector - responsible comp time. That is why the President called for such family-friendly legislation last summer, sent a bill to Congress, and reiterated his call for such legislation in the State of the Union address this year.

The issue is not whether we should enact comp time legislation, but what form that legislation should take to assure that it is, in fact, family-friendly and helps working families better balance the sometimes competing demands of work and family.

The President has threatened to veto the comp time bills pending in the Congress because, in their current form, they do not: provide real choice for employees, adequately protect against potential abuses, and preserve basic worker rights like the 40-hour work week.

President Clinton Announces New Family-Friendly Workplace Proposals

- ✓ **Expanded Family & Medical Leave**
- ✓ **Employee-Choice Flex-Time**

June 24, 1996

*Nashville Family Reunion Conference Hosted By
Vice President Al Gore*

**PRESIDENT CLINTON ANNOUNCES NEW
FAMILY-FRIENDLY WORKPLACE PROPOSALS:**

- ☐ **EXPANDED FAMILY & MEDICAL LEAVE**
- ☐ **EMPLOYEE-CHOICE FLEX-TIME**

NEW EXPANSION OF FAMILY AND MEDICAL LEAVE: *President Clinton's new proposal would deepen and expand Family Leave by allowing a worker to take unpaid hours off -- with a maximum of 24 hours a year -- for child education, older relatives' health needs, and routine family medical purposes.*

Current Family and Medical Leave Law. The FMLA helps families only with a medical crisis or special limited care-giving needs, such as a birth or adoption. But working families often have to care for children or parents in circumstances for which they cannot use Family and Medical Leave.

New Family And Medical Leave Procedures. FMLA expansion would be limited to 24 hours a year for the following specific purposes:

- **SCHOOL ACTIVITIES.** Participating in school activities directly related to the educational advancement of your child, such as parent-teacher conferences or interviewing for a new school;
- **ROUTINE FAMILY MEDICAL PURPOSES.** Accompanying your child to routine dental or medical appointments, such as annual checkups or vaccinations;
- **OLDER RELATIVES' HEALTH NEEDS.** Accompanying an elderly relative to routine medical appointments or other professional services related to the care of the elderly relative, such as interviewing nursing homes or group homes.

NEW EMPLOYEE-CHOICE FLEX-TIME: *President Clinton's new proposal would offer American workers more choice and flexibility in finding ways both to earn the wages they need to support their families and still find the time they need to be with them. The President's proposal would:*

- **EMPLOYEE CHOICE.** Allows employees to agree with their employers to work overtime in exchange for paid time-off -- flex-time -- with a limit of up to 80 hours. An hour of overtime could thus be used for 1-and-1/2-hours of overtime pay or 1-and-1/2 hours of flex-time.
- **FLEX-TIME FOR ANY PURPOSE WITH 2 WEEKS NOTICE.** Workers could use their earned flex-time for any reason -- as long as they give their employers 2 weeks notice.
- **EMPLOYEES CAN ALWAYS CHOOSE PAY OVER FLEX-TIME.** Workers would maintain the right to choose overtime pay, and even if they choose flex-time, they could still cash out any portion of their flex-time pay with two weeks notice.
- **FLEX-TIME FOR FAMILY LEAVE.** Employees can use their accumulated family flex-time for family leave purposes at any time.

OPPOSE ATTEMPTS TO REDUCE WORKER CHOICE: *In announcing these new family-workplace proposals, President Clinton made clear that he would oppose any bill that allows for coercion and uses phrases like "comp-time" as a cover for giving workers less choice in the workplace.*

**PRESIDENT CLINTON ANNOUNCES NEW
FAMILY-FRIENDLY WORKPLACE PROPOSALS:**

- ☐ **EXPANDED FAMILY & MEDICAL LEAVE**
- ☐ **EMPLOYEE-CHOICE FLEX-TIME**

BACKGROUND MATERIALS

	<u>Page</u>
✓ New Family Medical Leave Expansion	1
✓ New Employee-Choice Flex-Time	2-3
✓ Comparison with Rep. Ballenger's "Comp-Time" Proposal	4-5
✓ How The President's New Proposals Would Help Typical Families	6-8

**EXPANDING THE FAMILY AND MEDICAL LEAVE ACT –
TO HELP FAMILIES BALANCE WORK AND FAMILY RESPONSIBILITIES**

June 24, 1996

"Family and medical leave is a matter of pure common sense and a matter of common decency. It will provide Americans what they need most: peace of mind. Never again will parents have to fear losing their jobs because of their families."

-- President Clinton at the signing of the Family and Medical Leave Act, February 5, 1993

PRESIDENT CLINTON DELIVERED ON HIS PROMISE TO PROVIDE FAMILY

LEAVE: In his first month in office, President Clinton delivered on his promise and signed the Family and Medical Leave Act of 1993 into law. The law allows workers at businesses with 50 or more employees to take up to 12 weeks of unpaid, job-protected leave to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child or spouse.

NEW BIPARTISAN REPORT SHOWS THE LAW IS WORKING: The recent report on the impact of the law by the bipartisan Commission on Leave -- chaired by Senators Dodd and Craig -- shows that the law is working:

- **67 million Americans -- over half of workers -- are guaranteed they can take leave** from their job to care for a sick relative or a newborn child without fear of losing their job or their health insurance.
- **More than 12 million eligible workers have taken leave since its enactment.**
- **40% of all workers think they will need to take leave for a covered reason** at some time in the next 5 years. The leading reason is to care for a seriously ill parent.
- **Despite opponents' claims, compliance is easy and costs low for most employers:**
 - 9 in 10 employers find the law "very" or "somewhat" easy to administer
 - Compliance entails either little or no costs for 89%-99% of businesses
 - Smaller covered worksites found it easier to comply than the larger sites.
- **Some businesses have reported reduced employee turnover, enhanced productivity** and improved morale which they attribute to the Act.

NOW IT IS TIME TO EXPAND THE LAW TO BETTER HELP WORKERS CARE FOR THEIR CHILDREN AND PARENTS. While the law is a major step forward, it does not cover many situations facing working families. Today, President Clinton proposed expanding the law to cover more family obligations to better help working families care for their children and elderly relatives without sacrificing their work obligations. Under the proposed expansion, workers could take up to 24 hours of leave each year to meet additional specified family obligations, including routine doctors appointments and parent-teacher conferences. Leave could be taken for the following purposes:

- **Participating in school activities** directly related to the educational advancement of your child, such as parent-teacher conferences or interviewing for a new school;
- **Accompanying your child to routine dental or medical appointments**, such as annual checkups or vaccinations;
- **Accompanying an elderly relative to routine medical appointments or other professional services** related to their care, such as interviewing nursing homes or group homes.

PRESIDENT CLINTON'S NEW EMPLOYEE-CHOICE FLEX-TIME PROPOSAL

TODAY, PRESIDENT CLINTON ANNOUNCES A NEW EMPLOYEE-CHOICE FLEX-TIME PROPOSAL. President Clinton's employee-choice flex-time proposal would help to make workplaces more family friendly by ensuring worker flexibility while guarding against abuses by coercive or unstable businesses -- with explicit protections against coercion. President Clinton's proposal would allow more Americans to have the time they need to fulfill their responsibilities as both workers and as parents or grown children of elderly relatives.

- **Workers could agree with their employers to receive extra paid time-off -- "flex-time" -- instead of working overtime for cash pay.** Consistent with existing law, workers would get time-and-a-half in flex-time -- extra paid time-off -- for each hour of overtime. There would be a limit of 80 hours that a worker could accumulate in flex-time. And all additional overtime work -- beyond the limit -- would have to be paid in cash.
- **Employees can choose to use their flex-time for family and medical leave purposes whenever they need it.** At any time, workers can use their flex-time for family and medical leave purposes -- to care for a new born or adopted child, to attend to their own serious health needs, or to care for a seriously ill child, parent, spouse.
- **Workers maintain ultimate control of when to use flex-time, as long as they provide two weeks notice to their employers.** Employees can use flex-time for any purpose as long as the worker gives at least two weeks of notice to his or her employer, or with less notice if the employer's operations are not unduly disrupted. Private-sector employees may elect to cash out their flex-time for cash due as long as two weeks of notice is given to their employer.
- **To protect against abuses by coercive or unstable businesses, the employee-choice flex-time proposal includes explicit protections against coercion.**
 - ▶ **Employees and employers would have a written flex-time agreement.** President Clinton's employee-choice flex-time proposal would also require employees and employers to agree in writing that the worker will receive flex-time -- instead of cash pay -- before the worker performed any overtime work.
 - ▶ **Private-sector workers can get cash for their accumulated flex-time within two weeks of notice.** With two or more weeks of notice, a worker in the private sector can cash out their flex-time for cash due.
 - ▶ **Protecting workers from businesses that go bankrupt.** To ensure workers receive their accumulated flex-time when their employers seek bankruptcy protections, unpaid flex-time would receive special protection -- the same as given to other wages -- in bankruptcy proceedings. For employees in thinly capitalized businesses, additional protections will be included.

- ▶ **Additional protections to ensure that worker protections:**
 - President Clinton's employee-choice flex-time proposal would not allow unused flex-time to deprive a worker of unemployment compensation that he or she has earned.
 - To ensure protections against coercion, part-time, seasonal, and temporary workers would be exempted from this proposal. The Secretary of Labor would also be able to make recommendations to exclude low-wage workers who are vulnerable to coercion or certain occupations and industries that show a pattern of abuse.
- ▶ **Ability to collect from violators of overtime laws are improved.** President Clinton's employee-choice flex-time proposal improves the Labor Department's ability to collect fines due from violators of overtime laws, including double damages for certain egregious violations. This proposal also imposes civil money penalties for violations of flex-time and for willful or repeated recordkeeping violations.

PRESIDENT CLINTON WILL STRONGLY OPPOSE ANY BILL THAT REDUCES WORKER CHOICE IN THE WORKPLACE. President Clinton will strongly oppose any bill that allows employers to coerce their employees fails to protect true worker choice and fails to guarantee that workers will receive the compensation they are due.

AND

REPRESENTATIVE BALLENGER'S COMP-TIME PROPOSAL

	PRESIDENT CLINTON'S EMPLOYEE-CHOICE FLEX-TIME PROPOSAL	REPRESENTATIVE BALLENGER'S COMP-TIME PROPOSAL
WRITTEN AGREEMENT	To provide true employee choice, employees and employers must agree in writing that compensation will be provided as flex-time rather than as overtime wages.	No written agreement is necessary -- only an understanding.
FLEX-TIME FOR FAMILY AND MEDICAL LEAVE PURPOSES	Employees may use flex-time for family and medical leave whenever they need it.	No comparable provision.
USE OF FLEX-TIME	Employees maintain ultimate control of when to use flex-time, as long as they provide two weeks notice to their employers. Workers can use flex-time for any other purpose as long as they provide two or more weeks of notice. They receive flex-time with less notice, but only if the employer is not unduly disrupted.	Employers maintain ultimate control of when to grant their workers flex-time. Regardless of the amount of notice the worker provides, employers can deny use of comp-time if the firm claims they would be "unduly disrupted."
PAYOUT OF FLEX-TIME	Private-sector employees may elect to cash out their flex-time for cash due with at least two weeks of notice to their employer.	Rather than ensuring payout within two weeks as the President's proposal, private-sector employers would have up to 30 days to payout the cash due for accumulated flex-time.
FLEX-TIME BANK	Private-sector workers can accumulate flex-time for overtime worked (at a rate of time and a half) in a "Flex-time Bank." There would be a limit of 80 hours that a worker could accumulate in flex-time. All additional overtime work must be compensated in cash.	Employees can accumulate up to 240 hours of comp-time.

BANKRUPTCY PROTECTION	To ensure workers receive their flex-time when firms enter into bankruptcy, unpaid flex-time would receive special protection -- the same as given to wages -- in bankruptcy proceedings. For employees in thinly capitalized businesses, additional protections will be included.	No comparable provisions.
ENFORCEMENT PROVISIONS	Improves remedies against violators, including double damages for overtime that an employee would have earned, but was not permitted to work because the worker wanted to earn pay rather than flex-time. Civil money penalties for violations of flex-time and for willful or repeated recordkeeping violations.	Double damages only for willful violations of anti-coercion provisions. Civil money penalties only for willful violations.
TREATMENT OF FLEX-TIME AS WAGES AND HOURS WORKED	Unused flex-time cannot be used to deprive a worker of unemployment compensation that he or she has earned. Flex-time pay-outs are treated as wages for health and pension benefit plans. Flex-time used is also treated as hours worked for overtime accrual purposes.	No comparable provisions on unemployment compensation or benefit plans. Comp-time used is not treated as hours worked.
EXEMPTIONS FOR VULNERABLE SECTORS	To ensure protections against coercion, part-time, seasonal, and temporary workers would be exempted from this proposal. The Secretary of Labor would also be able to make recommendations to exclude low-wage workers who are vulnerable to coercion or certain occupations and industries that show a pattern of abuse.	No comparable provisions.
SUNSET	Flex-time provision expires in four years. Bipartisan Commission will study and report to the Secretary of Labor and Congress prior to sunset.	No comparable provision.

HOW THE PRESIDENT'S FAMILY-FRIENDLY PROPOSALS WOULD AFFECT TYPICAL FAMILIES

NOTE: These hypothetical examples illustrate how the President's proposal compares with current law and the Ballenger bill to create "comp-time." All of these examples assume the adoption of some proposal allowing the accumulation of flex-time or "comp-time" in lieu of time-and-one-half pay for overtime.

- 1. Expanded Family And Medical Leave For Child Education Purposes.** Jane Smith works for XYZ Inc. She has a conference scheduled with her daughter's teacher for three weeks from today and needs four hours of time off to travel to and from the school and meet with the teacher. Jane is willing to take unpaid leave.
 - ✓ Under the President's proposal, Jane can take unpaid leave to attend the parent-teacher conference.
 - ☒ Under current law, Jane is not assured she can take unpaid leave to attend the parent-teacher conference.
 - ☒ Under the Ballenger bill, Jane is not assured she can take unpaid leave to attend the parent-teacher conference.

- 2. Expanded Family And Medical Leave For Caring For Older Relative.** While Jane Smith is tending to her daughter's educational needs, Jane's husband John needs to help move his grandfather from one nursing home to another. John will need 4 hours time-off in order to do this. Because he is very involved with his family, John has not worked any overtime this year and does not have any accumulated flex-time. Thus, he would like to use unpaid family and medical leave to take his son to the doctor.
 - ✓ Under the President's proposal, John can take unpaid family and medical leave to move his grandfather from one nursing home to another.
 - ☒ Under current law, John cannot use family and medical leave to help move his grandfather from one nursing home to another.
 - ☒ Under the Ballenger bill, John cannot use family and medical leave to help move his grandfather from one nursing home to another.

3. **Employer-Imposed "Comp-Time."** Bill Johnson and his family live on a very tight budget. The time-and-one-half pay Bill receives for the 10 hours of overtime he works each month provides just enough money to pay the mortgage on his family's house. In his latest paycheck, Bill's employer inexplicably did not include any pay for his overtime work. When Bill complains, his boss explains that this is the new "comp-time" program and from now on Bill will get extra time off in return for his overtime. Bill fears he will not be able to make ends meet. He doesn't remember agreeing to accept "comp-time."

- ✓ Under the President's proposal, Bill and his employer would have to had agreed in writing prior to the overtime that he would accept flex-time instead of time-and-one-half pay. Otherwise, Bill must be paid his time-and-one-half in cash.
- ✓ Under current law, Bill would have to be paid time-and-one-half in cash for the overtime he worked.
- ☒ Under the Ballenger bill, the employer could say that he had a verbal agreement with Bill to give him "comp-time." That makes it Bill's word against his employer's word.

4. **Flex-Time For Planned Family Needs.** Ann's husband Bill has a heart condition and will require heart surgery within the next few weeks. Ann wants to spend time with Bill after the surgery to help care for him. Her family's growing financial worries make it vital that Ann be able to use her accumulated flex-time to be with her husband without losing a day's pay. Ann and Bill scheduled the surgery three weeks in advance and Ann gave her employer two-weeks notice. Two days before the surgery, Ann's employer ZYX Co. decides to change their production schedule. In their view, Ann's absence will "unduly disrupt" the workplace operations.

- ✓ Under the President's proposal, Ann can use her accumulated flextime to be with her husband without losing pay -- as long as she gives two-weeks notice.
- ☒ Under current law, Ann is assured only of unpaid family and medical leave time.
- ☒ Under the Ballenger bill, Ann cannot use her accumulated "comp time" if it will "unduly disrupt" her employer's operations. ZYX Co. can force her to take unpaid leave to be with her husband in the hospital.

5. **Protection of Unemployment Benefits.** Al Jones is a construction worker who got laid off from Builders Inc. after it finished its latest project. He worked enough overtime to accumulate 80 hours of accrued flex-time. Now, he wants to collect the unemployment benefits he usually gets when his employer lays him off. This time, however, Builders Inc. challenged Al's eligibility for unemployment insurance on the grounds that he is still "working" because he is getting paid for his accumulated flextime.

- ✓ Under the President's proposal, Al is explicitly protected from this type of challenge. If he's otherwise eligible, Al should get his unemployment insurance.
- ☒ Under the Ballenger bill, Al is not explicitly protected from this challenge to his unemployment insurance eligibility.

President Clinton Acts to
Expand Family and Medical Leave
April 12, 1997

- **To assist families in meeting the needs of young children and other family members, the President called on Congress to pass legislation expanding the Family and Medical Leave Act.** The FMLA currently allows workers to take up to 12 weeks unpaid leave to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child, or spouse. In June, 1996 President Clinton proposed to expand the Family and Medical Leave Act (FMLA) to allow workers to take unpaid hours off -- up to 24 hours a year -- for school and early childhood education activities, routine family medical care, and additional activities related to caring for an elderly relative.
- **Today President Clinton asked Federal agencies to implement his expanded leave policy immediately for Federal workers.** The President asked agencies to ensure employees can take up to 24 hours of unpaid leave for the following activities:
 - **School and early childhood education activities** -- to allow employees to participate in school activities directly related to the educational advancement of their child, including child care and Head Start activities. Parental involvement in a child's education is an important determinant of the child's success. Parents could use leave to attend parent-teacher conferences or meetings with child care providers, or to interview for a new school or child care facility.
 - **Routine family medical purposes** -- to allow parents to accompany children to routine medical or dental appointments, such as annual checkups or vaccinations.
 - **Elderly relatives' health and care needs** -- to allow employees to accompany an elderly relative to routine medical appointments or other professional services related to the care of the elderly relative, such as making arrangements for housing, meals, phones, banking services, and other similar activities.
- **The Family and Medical Leave Act Works.** Based on data in a 1996 report of the bipartisan Commission on Leave, more than 12 million American workers have taken leave with Federal protection for reasons covered by the FMLA since the law's enactment in 1993, and 90% of businesses covered by the law find that it's easy to administer and that it costs them little or nothing.
- **The Clinton Administration is Building a Family Friendly Federal Workplace.**
 - In 1994 the President signed the Federal Employees Family Friendly Leave Act allowing employees to use sick leave for routine medical appointments for family members. The President's action today allows employees to take time off for this purpose even when sick leave is unavailable.
 - Federal employers have discretion now to approve employees' requests for time off for school activities, routine medical visits, and elder care. Today, the President urged Federal supervisors to exercise their discretion on a routine basis -- to the fullest extent possible -- to give their employees up to 24 hours of unpaid leave for these activities.

April 11, 1997

**EXPANDED FAMILY FRIENDLY LEAVE POLICIES
QUESTIONS AND ANSWERS -- NOT FOR DISTRIBUTION**

1. Why is the President issuing this memorandum?
 - o The President is asking Federal agencies to better assist employees in meeting their work and family demands. He is asking agencies to implement his proposal to expand the Family and Medical Leave Act of 1993 (FMLA).
 - o The President is urging agencies to ensure that employees may take up to 24 hours of leave without pay for three purposes:
 - (1) to participate in school activities directly related to the educational advancement of a child;
 - (2) to accompany their children to routine medical or dental appointments; and
 - (3) to accompany their elderly relatives to routine medical or dental appointments or other professional services.
2. Does this really change anything for Federal employees?
 - o Supervisors have discretion to grant employees time off for the purposes mentioned in the President's memorandum. The memorandum is important because it makes clear that the President wants agencies to help employees meet their family demands by granting up to 24 hours of unpaid leave. The memorandum will ensure that agencies--and front line supervisors -- establish and maintain a family friendly work environment.
3. Can employees use the 24 hours of leave without pay intermittently (i.e., 1 hour or 1 day at a time)?
 - o Yes.
4. What are the cost implications of this proposal?
 - o The use of 24 hours of leave without pay will not increase the Government's payroll costs. We believe the Government's commitment to its employees will lead to an overall increase in productivity as employees are better able to meet their work and family demands .

5. Didn't the President already propose legislation to address these needs?
- o In September 1996, the President proposed the "Family Friendly Workplace Act of 1996" to Congress which included expanding the Family and Medical Leave Act of 1993 (FMLA). The proposed legislation would entitle public and private sector employees to up to 24 hours of unpaid leave each year to fulfill certain family obligations, such as participating in school activities, accompanying their children to doctor's appointments, and tending to elderly relatives' needs.
 - o Today the President has asked Congress to enact such legislation.
 - o In the interim, the President, by his action today, has enabled federal employees to benefit from these family-friendly policies.
6. Can the President require agencies to give employees 24 hours of unpaid leave for these purposes?
- o Only Congress can create a legal right to this unpaid leave, but the President can make clear that he wishes agency supervisors to use their existing discretion to grant such leave on a routine basis and to the fullest extent consistent with their agency's mission.
7. Can't Federal employees already use sick leave for routine medical appointments (e.g., "well child visits") ?
- o Yes. Federal employees may use sick leave for family care, including taking children to routine medical appointments. However, the use of sick leave for family care is limited for most employees to a total of 13 days each year. Approving the use of up to 24 hours of leave without pay for routine medical appointments will help newer employees with low sick leave balances, as well as employees who have exhausted their entitlement to use sick leave for family care as a result of coping with their own illness or that of family members.
8. Does an employee have to schedule the leave in advance?
- o Where the need for leave is foreseeable (e.g., a scheduled parent-teacher conference or medical appointment), an employee should give 7 days' notice of his or her intent to use leave without pay for the purposes outlined in the President's memorandum. If the need for leave is not foreseeable, the employee should give such notice as is practicable.

9. Does this memorandum mean, in effect, that an employee is limited to only 24 hours of leave without pay each year for these purposes?
- o No. The President's memorandum encourages agencies to provide up to 24 hours of leave without pay each year for these purposes. However, this does not limit or prohibit an employee from requesting and receiving additional leave or other time off for school activities, routine family medical purposes, and elderly relatives' health needs.
10. Didn't the President already issue a memorandum on "Implementing Federal Family Friendly Work Arrangements" on June 21, 1996? What's new here?
- o In June 1996, the President directed agencies to review their personnel practices and develop a plan of action to use existing flexibilities and, to the extent feasible, expand their family friendly work arrangements. Since then, agencies have been working with the Vice President's National Performance Review, to, among other things, increase opportunities for telecommuting and obtaining referral services for child care and elder care.
 - o The current memorandum is the latest building block in a series of initiatives that is intended to further strengthen the Government's family friendly working environment.
11. Why doesn't the President's memorandum address compensatory time, the other half of the legislation?
- o The statutes governing Federal employees already provide compensatory time. Therefore, it was unnecessary to address it in the President's memorandum.

Date: 04/12/97 Time: 12:26

CClinton urges agencies to grant 24-hour family leave for employees

WASHINGTON (AP) The nation's 1.9 million federal employees would have 24 hours of unpaid leave to meet family obligations under a directive President Clinton signed Saturday.

Now, Clinton hopes to spur an intransigent Congress into guaranteeing the benefit for private-sector workers.

``Don't ask people to choose ever between being good workers and good parents. We can help them to do both,' ' the president told lawmakers in his weekly radio broadcast.

In an appeal to middle-class parents first proposed in his re-election campaign, Clinton wants to expand the Family and Medical Leave Act to give workers unpaid time off to attend parent-teacher conferences, take a child to the doctor or dentist, find child care or help an elderly relative with medical appointments.

Republicans in control of Congress generally oppose the bill as government intrusion on business decisions, and Senate Majority Leader Trent Lott, R-Miss., made clear in January that he had no plans to act on it.

Trying to circumvent Congress as much as his authority allows, Clinton sent a memo Saturday to the chiefs of 100-plus federal departments and agencies, asking them to make expanded family and medical leave available to their employees immediately.

``Wherever possible, I want workers to have access right now to essential time off for family obligations,' ' he said. ``Families occasionally need these small pieces of time to take care of their own.' '

While the president has no legal authority to set leave policies for agencies and his memorandum did not have the binding effect of an executive order, White House officials said it did have moral authority and they expected all agencies to incorporate expanded family leave into their routine policies.

The original 1993 legislation, which was also opposed by Republicans and vetoed by President Bush, guarantees workers up to 12 weeks off without pay in order to care for a newborn or adopted child, to attend to their own serious health needs or to care for a seriously ill parent, child or spouse.

Saturday's move by Clinton dovetailed with two other White House initiatives meant to showcase a commitment to parents and children: this week's conference on early childhood development and first lady Hillary Rodham Clinton's call for improved child care.

Stressing that being a parent is ``the toughest job any person can have,' ' the president said Thursday's daylong White House Conference on Early Childhood Development and Learning would explore what the latest brain research says about how children learn and grow.

He cast it as a ``call to action' ' to parents, businesses, care givers, the media, the religious community and government ``each to do their part to enhance the earliest years of life.' '

Mrs. Clinton was expected to play a prominent role in the family dialogue, starting Monday with an extensive press briefing on the conference.

In her regular newspaper column last week, the former attorney lamented the uneven quality of child care services around the country: ``I, like many working mothers, have seen examples of child care that run the gamut from shameful to superlative.' '

She called for higher pay and better training for child care workers and advocated government child-care subsidies for low-income parents and welfare mothers seeking jobs. The first lady

also urged ``tax advantages for salary used for child care.''
APNP-04-12-97 1238EDT

THE WHITE HOUSE
Office of the Press Secretary

Embargoed for Release
until 10:06 am April 12, 1997

April 11, 1997

April 11, 1997

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Expanded Family and Medical Leave Policies

I have strongly supported meeting Federal employees' family and medical leave needs through enactment of the Family and Medical Leave Act of 1993 (FMLA) and the Federal Employees Family Friendly Leave Act of 1994 (FEFFLA). However, Federal employees often have important family and medical needs that do not qualify for unpaid leave under the FMLA or sick leave under the FEFFLA. I ask you to take immediate action to assist Federal workers further in balancing the demands of work and family.

Last year I proposed to expand the Family and Medical Leave Act of 1993. My legislation would allow Federal and eligible private sector workers 24 hours of unpaid leave during any 12-month period to fulfill certain family obligations. Under the legislation, employees could use unpaid leave to participate in school activities directly related to the educational advancement of a child, including early childhood education activities; accompany children to routine medical and dental examinations; and tend to the needs of older relatives.

In furtherance of my proposed policy, I ask that you take immediate action within existing statutory authorities to ensure that Federal employees may schedule and be granted up to 24 hours of leave without pay each year for the following activities:

(1) SCHOOL AND EARLY CHILDHOOD EDUCATIONAL ACTIVITIES -- to allow employees to participate in school activities directly related to the educational advancement of a child. This would include parent-teacher conferences or meetings with child-care providers, interviewing for a new school or child-care facility, or participating in volunteer activities supporting the child's educational advancement. In this memorandum, "school" refers to an elementary school, secondary school, Head Start program, or a child-care facility.

(2) ROUTINE FAMILY MEDICAL PURPOSES -- to allow parents to accompany children to routine medical or dental appointments, such as annual checkups or vaccinations. Although these activities are not currently covered by the FMLA, the FEFFLA does permit employees to use up to 13 days of sick leave each year for such purposes. Agencies should assure that employees are able to use up to 24 hours of leave without pay each year for these purposes in cases when no additional sick leave is available to employees.

more

(OVER)

(3) ELDERLY RELATIVES' HEALTH OR CARE NEEDS -- to allow employees to accompany an elderly relative to routine medical or dental appointments or other professional services related to the care of the elderly relative, such as making arrangements for housing, meals, phones, banking services, and other similar activities. Although Federal employees can use unpaid leave or sick leave for certain of these activities under the FMLA or FEFFLA, such as caring for a parent with a serious health condition, agencies should ensure employees can use up to 24 hours of unpaid time off each year for this broader range of activities related to elderly relatives' health or care needs.

This new policy will assure that Federal employees can schedule and receive up to 24 hours away from the job each year for these family and medical circumstances. I also urge you to accommodate these employee needs as mission requirements permit, even when it is not possible for employees to anticipate or schedule leave in advance for these purposes. In addition, I ask that you support employees' requests to schedule paid time off -- such as annual leave, compensatory time off, and credit hours under flexible work schedules -- for these family activities when such leave is available to these employees. The Office of Personnel Management shall provide guidance to you on the implementation of this memorandum.

I encourage you to use a partnership approach with your employees and their representatives in developing an effective program that balances the employees' needs to succeed both at work and at home. I ask agencies, unions, and management associations to continue to work together to assess and improve the use of family-friendly programs and to make certain that employees are aware of the expanded family and medical leave policy.

WILLIAM J. CLINTON

. # .

THE WHITE HOUSE
Office of the Press Secretary

Embargoed For Release
Until 10:06 A.M. EDT
Saturday, April 12, 1997

RADIO ADDRESS OF THE PRESIDENT
TO THE NATION

THE PRESIDENT: Good morning. Today, I want to talk about the toughest job any person can have. It's not a job you can quit, show up late for, or do just enough to get by. In every way, it's a lifetime commitment -- it's being a parent.

In our times, parenting has become an even greater challenge. The world moves faster, and parents rightly worry more about how to protect their children's health, their safety and their future. Jobs place more demands on mothers and fathers. Finding a balance between home and work takes more effort than ever.

Parents can use some help. And while government doesn't raise children, it can sometimes give parents the tools they need to make their jobs easier. That's why we fought for and won the V-chip and a ratings systems for TV, so parents can better protect their young children from unsuitable shows. That's we fought to keep the tobacco industry from advertising their products to children. And why we're fighting to keep streets safer and to reduce juvenile crime. All these help parents to do a better job with their children.

But there is still work to be done. Parents want to do right thing by their children from the very start. And giving our youngest children what they need to thrive from the very first days of life is something the First Lady has studied for a long time. In her book, "It Takes a Village," Hillary called on our nation to give its attention to new findings about the early years of children's lives that so often are overlooked in intellectual, social and emotional development.

Our administration has worked hard to better understand these early years. Since 1993, we increased funding for children's research at the National Institutes of Health by 25 percent -- or \$322 million -- and my balanced budget plan promotes further increases in funding. We expanded and improved Head Start, and we created an Early Head Start Program for children age three or younger so that they could get the stimulation they need at those critical times.

From our research, we know that from the very first days of life a child is developing emotionally and intellectually, and how he or she does in those first three years of life will help to determine how a child does later in school and in life. That's why we need to begin teaching and nurturing our children before they go to school.

We want to sort through our research and get it to parents and to care givers who work with children. So next week Hillary and I will bring together researchers, parents and other experts for the White House Conference on Early Childhood Development and Learning: What New Research on the Brain Tells Us About Our Youngest Children.

MORE

We will meet for a full day at the White House, with satellite hook-ups to more than 60 sites around our nation. This conference is an exciting and an enormous undertaking. It is a call to action to parents, to businesses, to care givers, the media, the faith community and the government, each to do their part to enhance the earliest years of life. It grows out of our commitment to find new ways to support parents and to help their children reach their God-given potential.

As part of that commitment, I also want to call today on the members of Congress to do their part to come to the aid of our families. They can do that very simply by passing my expansion of the Family and Medical Leave Act.

This bill would allow workers up to 24 hours of unpaid leave each year to fulfill certain family obligations. It could allow a worker to attend a parent-teacher conference, or take a child to the pediatrician, or to find quality child care, or to care for an elderly relative.

Families occasionally need these small pieces of time to take care of their own. More than 12 million American workers have taken leave for reasons covered by the Family and Medical Leave Act since it became the very first bill I signed into law in 1993. It was needed then, it's needed now and we need to improve on it. So I urge the Congress to act soon on this legislation. Don't ask people to choose ever between being good workers and good parents. We can help them to do both. Pass the expanded Family and Medical Leave Act.

I think this bill is so important that today I am asking all federal departments and agencies to make expanded Family and Medical Leave available to their workers immediately. Wherever possible, I want workers to have access right now to essential time off for family obligations.

I am committed to doing all we can to support families as they struggle to do right by their children. We know that the very earliest years will decide whether children grow up to become healthy and happy people. That's why we're giving parents time off to care for them, why we should extend the family leave law so millions more parents can have that opportunity and why we must focus all our science, education and public efforts to give our children the very best start in life.

Almost a century and a half ago, Oliver Wendell Holmes said, "A child's education should begin at least a hundred years before he was born."

What we do now can benefit generations of Americans to come. We can start with the smallest community -- the family. And from there we can rebuild and renew the best in America by beginning with the best of America, our children

Thanks for listening.

END

TO DO

Cathie

Loraine

219-4753

Cathie ^{Robert} 219-8305 ask to get her

Bill #?

When introduced? No —

Where does 12 million number come from

Between 1 1/2 and 3 million during an
18 month survey

Fax remarks — early corran
— Loraine Lewis

Q. on comp time/flex time —

Jen Klein 6-2599

Elena — mad

Mary Ellen / Barry TOIV. —

Darby

4 - definitions

~~last unit~~

Why doesn't the President.

~~What~~

How come the President
needs

VP Family Friendly Letter
to Agency HeadsTHE VICE PRESIDENT
WASHINGTON

March 7, 1997

General Frederick Woerner, Jr.
Chair
American Battlefield Monuments Commission
Washington, D.C. 20314

Dear General Woerner:

President Clinton and I are firmly committed to enhancing the quality of family life for federal employees by forging a more dynamic and complementary link between their home life and their work life. In the spirit of this important goal, the President issued two memoranda on the Family-Friendly Workplace, one on July 11, 1994, and one on June 21, 1996.

As you know, the second memorandum requested that each agency review its personnel practices, develop a plan of action to more effectively use the flexible policies already in place, and expand its ability to make available to its employees a wide range of supportive programs, policies, and services. These include assistance in securing safe, affordable quality child care; elder care information and referral; flexible work schedules; opportunities to telecommute; proactive inclusion of fathers in policies relating to parental involvement; effective mechanisms for employee feedback; and leadership at the highest level.

Nearly all federal agencies, commissions, and boards have responded. The National Performance Review has reviewed the reports. Its analysis reveals clear areas of achievement as well as areas which require a great deal more effort.

For example, we have made great progress in implementing flexible and alternative work schedules through which federal employees can meet the needs of both their jobs and their families. We also enjoy the status of being the largest sponsor of on- or near-site quality child care among the nation's employers.

On the other hand, as many of you clearly understand, we must intensify our efforts to make telecommuting more readily available to our workers, not just in times of personal or medical emergency, but as an important management strategy. The accessibility of more than two dozen federal telecommuting centers, the advances in information technology, and the proven effectiveness of work-at-home arrangements, should give us the confidence that we can meet the challenge of 60,000 federal telecommuters by the end of fiscal year 1998.

March 7, 1997

Page 2

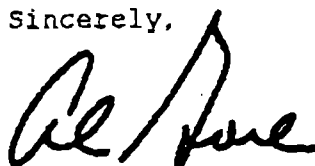
Three other areas require further emphasis. We must continue our work to strengthen fatherhood proactively in our programs, our research, and in our workforce. Also, while agencies are now creating innovative ways to encourage ideas to link their home and work lives, there is more to do to stimulate employee input. We must be prepared to more effectively guide and assist employees who are increasingly concerned about finding care and services for older family members.

In the next few months, the National Performance Review staff will continue to work with your staff to implement these important policies and practices. We are incorporating your responses and our findings with suggestions for further activities in a report to the President. In the meantime, I have enclosed a few highlights that emerged from our review of your reports. I congratulate those involved, and hope that these brief vignettes will inspire others to follow their lead.

Achieving our goals across the federal workforce in all arenas will require a strong, ongoing commitment by all of us. While the climate of cost reduction and downsizing may seem to make this effort more challenging, it should be noted that systemic implementation of family-friendly policies can result in a more effective workforce, greater cost efficiency, and better customer service--the very goals of reinvention. We already have the policies, programs, and services available to us. What is needed is a dramatic change in workplace culture to benefit more employees.

That will take strong leadership; I urge you to give your personal attention to this important policy initiative. Only when workers believe that their family life is supported in the workplace can they be most effective. Only when senior management sets high expectations can these practices become reality.

Sincerely,



Al Gore

AG/lm
Enclosure

FAMILY-FRIENDLY FEDERAL WORK PLACE

Following are highlights drawn from agency responses to the President's June 21, 1996 memorandum, "Implementing Federal Family-Friendly Work Arrangements." Agencies were asked to review their personnel practices, develop a plan of action to more effectively utilize the flexible policies already in place, and expand their ability to make available to employees a wide range of supportive programs, policies and services in the following categories:

CHILD CARE

The **Department of Defense** houses the nation's largest employer-sponsored child care program--200,000 children and 166,257 spaces--meeting 54% of their identified need. The goal is 65% this year; 80% by 2000. Sixty-nine percent of DOD's eligible centers are professionally accredited. The **Department of Transportation** sponsors 28 at- or near-site centers and enables reduced tuition at 2,000 private providers. The **National Security Agency** has 125 nursing mothers who use 11 designated, specially-equipped rooms in nine buildings. The **Department of the Interior** has created a Family Support Room for emergency child care of short duration. Employees can bring ill children to a headquarters facility equipped with desks and beds, and continue to work. The **Social Security Administration** has three new on-site centers under construction to supplement three already operating. The **Department of Energy's** Oakland, CA operation permits newborns in the work area until six months of age, under its Babies in the Workplace initiative. The **General Services Administration** oversees 106 child care centers in 68 cities in 31 states and D.C. Sixty percent are NAEYC-accredited. **Veterans Affairs** has 59 child care centers on VA-owned or leased property. The **Department of State** publishes an annual child care report for all overseas posts. Ten centers have been established at embassies abroad.

ELDER CARE

The **Environmental Protection Agency** offers comprehensive information through a rich variety of media at Research Triangle Park; the **Department of Energy** in Richland, WA uses a private comprehensive resource and referral company to meet employee needs for counseling and information. The **Nuclear Regulatory Commission** connects employees with community resources for older persons or incapacitated family members through its Employee Assistance Program, a strategy used by a number of agencies. The **State Department** reaches out with regular communications to frail elderly parents of employees stationed abroad. The **Social Security Administration** publishes an Elder Care Newsletter and is working with Johns Hopkins University on a computer database of all eldercare facilities and services in the state of Maryland. The **Office of Personnel Management** sponsors the Interagency Adult Dependent Care Working Group to promote agency initiatives in elder care.

FLEXIBLE WORK SCHEDULES

Many agencies reported very high percentages of employees on flexible schedules--e.g., half of **Defense** employees; 75% of **Energy**; 85% of **Labor**; and 60% of **Transportation**, including its most senior managers. Seventy percent of **EPA** employees are on compressed work schedules. The **National Aeronautics and Space Administration's** Marshall Space Flight Center closed completely between Christmas and New Year's. The **State Department** is establishing a job-share repository and will provide training and information to increase the number of sharing arrangements. **Veterans' Affairs** has 22,000 employees on compressed schedules, reporting better coverage, faster work turnaround, expanded consulting hours across time zones. It also reported the use of 1,639,430 hours of leave for family care by 70,800 of its employees.

TELECOMMUTING

The **Consumer Product Safety Commission** won the Vice President's Hammer Award for the success of its telecommuting pilot--60 of 128 field employees telecommute, primarily safety investigators and public affairs specialists. The commission reported a decrease in rent costs and an increase in productivity and morale. **GSA** has opened telecommuting centers for governmentwide use around Washington--the number of centers there will pass 20 by June. **GSA** has also set a goal for 1,000 of its employees to telecommute by 1998. **Navy** is the primary user of **GSA** centers--by the end of 1997, 350 of its employees will work at them. Six percent of the **Education Department's** workforce works at home or in centers, exceeding the federal goal of three percent. **Defense Investigative Services** has nearly 1,200 employees working from home or alternate work locations, full or part time. **Transportation** requires each of its organizations to establish a program and report progress--800 employees now telecommute at least once a week. The **DOT's** goal is five percent of its total workforce or 10% of those whose jobs are actually eligible for telecommuting. The **OPM** reports that 21% of its employees telecommute. Twelve percent of **Merit Systems Protection Board** employees telecommute, including administrative judges who write case decisions at home.

FATHERS' INVOLVEMENT IN CHILDREN'S LIVES

Defense supports 291 Family Centers to help service members and families develop skills and adjust to the unique challenges of military life, such as separation during extended deployments. The **Federal Emergency Management Agency** rotates its personnel during disaster deployments to maintain family involvement. The **Social Security Administration** presented a live, interactive broadcast on its National Satellite Network, "Strengthening the Role of Fathers in the Family." The **Coast Guard** offers a Dad's University which provides all-day seminars in fathering skills. The **State Department** plans a Fathers' Forum to help fathers network and learn about demands of fatherhood. **Health and Human Services**, **OPM**, and **DOD** are working collaboratively to facilitate establishment and collection of child support payments for and from federal employees. **Education** employees participate in their Education Volunteer Initiative

through which the department matches those hours of annual leave used by employees to volunteer with administrative leave. Seven percent actually volunteer while all employees receive family involvement publications from the Partnership for Family Involvement in Education.

EMPLOYEE SUGGESTIONS

Former **Housing and Urban Development** Secretary Cisneros engaged the HUD/AFGE National Partnership Council to design and offer recommendations for a more family-friendly workplace. One result was a competition which reviewed 23 proposals from 15 field offices; ultimately four pilots were approved for testing through local partnership councils. The **U.S. Information Agency** established a family-friendly team, through its partnership with unions, which conducted a survey of all employees, leading to revision of a number of policies. The **State Department** named work-family coordinators in each of its 27 bureaus. Many agencies report using a wide variety of media to solicit employee input and ideas--everything from the Internet to Intranets, electronic mail, suggestion boxes, work-life committees, councils and teams, quality of life surveys. A number of agencies--including **CIA, Labor, DOT and HHS**--have established work-life centers which serve as focal points for employee programs and feedback.

LEADERSHIP

Former **Transportation** Secretary Peña issued a "WorkLife" Challenge to all DOT employees, asking each senior staff member to do the same. Each staff is to integrate WorkLife Program success into organization performance measures. He also challenged each to expand worklife initiatives wherever possible, defining them as "business imperatives and good management." **Defense** plans to distribute its extensive response to the President's memo throughout the department, supporting it with radio and TV spots and newspaper articles that reinforce the idea of the role leadership plays in assuring a family-friendly workplace. **Energy** plans to do the same, along with a highly positive policy statement which encourages top managers to review the report and adopt changes locally, based on best practices in the department. The **OPM** set up the Work and Family Program Center to provide leadership and assistance to agencies. The center sponsors conferences, seminars, and exhibits; offers speakers; and sponsors the annual OPM Director's Award to recognize innovative and effective work-family programs.

For further information call:

Faith Wohl, National Performance Review 202-632-0150

Draft 2:45 p.m.

**PRESIDENT WILLIAM J. CLINTON
RADIO ADDRESS
APRIL 12, 1997
(TAPED APRIL 11, 1997)**

Good morning. I want to talk today about the toughest job that any person can have. It's not a job you can quit, or show up late for, or do just enough to get by. It is a life commitment, in every way. It's being a parent.

In our times, parenting has become an even greater challenge. The world moves faster, and that means parents worry more about how to protect their children's health and safety. Jobs place more demands on mothers and fathers. Finding a balance between home and work takes more effort than ever.

Parents could use some help. And while government doesn't raise children, it can give parents the tools to make their jobs easier. We fought for and won the V-chip and a ratings system for TV, so parents can better protect their kids from seeing unsuitable shows. We fought to keep the tobacco industry from advertising their products to children. And we're fighting to keep streets safer and to reduce juvenile crime. All that helps parents.

But there is still work to be done. Parents want to do right by their children -- from the very start.

The very start of childhood is something Hillary has studied for a long time. In her book, "It Takes a Village," she called our nation's attention to new findings about the early years of a child's life that so often are overlooked in intellectual, social and emotional development.

Our Administration has worked to better understand these early years. Since 1993, we increased funding for children's research at the National Institutes of Health by 25 percent and my balanced budget requests increased funding [\$337 million] for this important project. We expanded and improved Head Start, and we created the Early Head Start Program for children age 3 or younger.

From our research we know this: Learning begins in the first days of life. From those very first days, a child is developing emotionally and intellectually, and how he or she does in those first 3 critical years of life will help to determine how a child does later in school and in life. That's why we need to begin teaching and nurturing children **before** they go to school.

We want to sort through and get out the information we have to parents and care givers who can use it. So next week Hillary and I will bring together researchers, parents and other experts for the "White House Conference on Early Childhood Development and Learning: What New Research on the Brain Tells Us About Our Youngest Children."

We will ~~be~~ meet for a full day at the White House, with satellite hook-ups to more than

April 11, 1997

EXPANDED FAMILY FRIENDLY LEAVE POLICIES

1. Why is the President issuing this memorandum?

- o The President is asking Federal agencies to better assist employees in meeting their work and family demands. He is asking agencies to implement his proposal to expand the Family and Medical Leave Act of 1993 (FMLA).
- o The President is urging agencies to ensure that employees may schedule and be granted up to 24 hours of leave without pay for three purposes:
 - (1) to participate in school activities directly related to the educational advancement of a child;
 - (2) to accompany their children to routine medical or dental appointments; and
 - (3) to accompany their elderly relatives to routine medical or dental appointments or other professional services.

2. Does this really change anything for Federal employees?

- o Supervisors have discretion to grant employees time off for the purposes mentioned in the President's memorandum. The memorandum is important because it asks agencies and their managers and supervisors to exercise their discretion on a routine basis--to the fullest extent possible--to help employees meet their family demands. The memorandum will raise the level of commitment among agencies--and front line supervisors--to establish and maintain a family friendly work environment.

3. Will the President's April 12 memorandum make a real difference?

- o The President's memorandum sends a strong signal to agencies and supervisors to support and encourage family friendly leave policies. The memorandum is expected to ensure that more time off is granted for these purposes. It will serve to make supervisors more sensitive to employees' needs and enhance the ability of employees to take time off to participate in children's education, elderly relatives' health needs, and routine family medical appointments.

4. Didn't the President already issue a memorandum on "Implementing Federal Family Friendly Work Arrangements" on June 21, 1996? What's new here?
 - o In June 1996, the President directed agencies to review their personnel practices and develop a plan of action to use existing flexibilities and, to the extent feasible, expand their family friendly work arrangements. Since then, agencies have been working with the Vice President's National Performance Review, to, among other things, increase opportunities for telecommuting and obtaining referral services for child care and eldercare.
 - o The current memorandum is the latest building block in a series of initiatives that is intended to further strengthen the Government's family friendly working environment.
5. Agencies were supposed to provide reports within 120 days under the June 21, 1996, memorandum. Did they?
 - o Yes. The National Performance Review is working with the agencies on the next steps in expanding their family friendly initiatives.
6. Didn't the President already propose legislation to address these needs?
 - o In September 1996, the President proposed the "Family Friendly Workplace Act of 1996" to Congress which included expanding the Family and Medical Leave Act of 1993 (FMLA). The proposed legislation would entitle public and private sector employees to up to 24 hours of unpaid leave each year to fulfill certain family obligations, such as participating in school activities, accompanying their children to doctor's appointments, and tending to elderly relatives' needs.
 - o Today the President has asked Congress to enact such legislation.
7. Does the President's memorandum differ from the September 1996 legislative proposal?
 - o The key difference now is that in his memorandum, the President has asked agency heads to take immediate action to use their existing authorities to ensure that employees may schedule and be granted leave without pay for these purposes.

- o The proposed legislation, the Family Friendly Workplace Act, would give employees a formal legal right to use an additional 24 hours of unpaid leave under the Family and Medical Leave Act for the three purposes.
- 8. Are employees entitled to use leave under the President's expanded family friendly leave policies?
 - o The President's proposed legislation would give Federal employees the legal right to take 24 hours of unpaid leave under the FMLA to participate in school activities; accompany their children to routine appointments, including well-child visits; and to take elderly relatives to medical appointments or other professional services. Today, the President asks agencies to use their discretion to grant leave for these purposes.
- 9. Are agencies required to grant employees leave or other time off for these family friendly purposes?
 - o Supervisors should evaluate leave requests in terms of whether the employee's services are required or can be spared during the time period covered by the leave request. The intent of the President's memorandum is to grant employees leave for these purposes unless circumstances exist that would severely limit an agency's ability to accomplish its mission.
- 10. Can the President direct agencies to create a right for employees to use this new 24 hours of unpaid leave for these purposes?
 - o No. Only Congress can create such a legal right. The President, in his memorandum, recognizes the need for such unpaid leave and that it can and should be granted within the existing statutory framework.
- 11. Can't Federal employees already use sick leave for routine medical appointments (e.g., "well child visits")?
 - o Yes. Federal employees may use sick leave for family care, including taking children to routine medical appointments. However, the use of sick leave for family care is limited for most employees to a total of 13 days each year. (Employees who do not maintain a balance of at least 80 hours of sick leave in their account may not use the total of 13 days.) Approving the use of up to 24 hours of leave without pay for routine medical appointments will help newer employees with low sick leave balances, as well as employees who have exhausted their entitlement to use sick leave for family care as a result of coping with their own illness or that of family members.

12. Does an employee have to schedule the leave in advance?
- o Where the need for leave is foreseeable (e.g., a scheduled parent-teacher conference or medical appointment), an employee should give 7 days' notice of his or her intent to use leave without pay for the purposes outlined in the President's memorandum. If the need for leave is not foreseeable, the employee should give such notice as is practicable.
13. Does this memorandum mean, in effect, that an employee is limited to only 24 hours of leave without pay each year for these purposes?
- o No. The President's memorandum encourages agencies to provide up to 24 hours of leave without pay each year for these purposes. However, this does not limit or prohibit an employee from requesting and receiving additional leave or other time off for school activities, routine family medical purposes, and elderly relatives' health needs.
14. Can employees use the 24 hours of leave without pay intermittently (i.e., 1 hour or 1 day at a time)?
- o Yes. An employee may use the 24 hours of expanded family friendly leave without pay in the same increments as all other leave is granted by his or her agency.
15. Why does the President's memorandum limit this benefit to Federal employees?
- o We would like to see private sector employers follow the lead of the Federal Government and join us in extending this needed benefit. However, legislation is needed to require private sector employers to do this.
16. What are the cost implications of this proposal?
- o The use of 24 hours of leave without pay will not increase the Government's payroll costs. We believe the Government's commitment to its employees will be matched by an overall increase in productivity as employees are better able to meet their work and family demands.
17. What is "leave without pay?"
- o "Leave without pay" is an approved absence from duty in a nonpay status.

18. What is "annual leave?"

- o "Annual leave" is a paid absence from duty that is intended to allow Federal employees to have time off from the job for vacations, as well as time off for any other purpose, including personal and business reasons and emergencies.

19. Why doesn't the President's memorandum address compensatory time, the other half of the legislation?

- o The statutes governing Federal employees already provide compensatory time. Therefore, it was unnecessary to address it in the President's memorandum.

EXPANDING THE FAMILY AND MEDICAL LEAVE ACT -- TO HELP FAMILIES BALANCE WORK AND FAMILY RESPONSIBILITIES

June 24, 1996

"Family and medical leave is a matter of pure common sense and a matter of common decency. It will provide Americans what they need most: peace of mind. Never again will parents have to fear losing their jobs because of their families."

-- President Clinton at the signing of the Family and Medical Leave Act, February 5, 1993

PRESIDENT CLINTON DELIVERED ON HIS PROMISE TO PROVIDE FAMILY

LEAVE: In his first month in office, President Clinton delivered on his promise and signed the Family and Medical Leave Act of 1993 into law. The law allows workers at businesses with 50 or more employees to take up to 12 weeks of unpaid, job-protected leave to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child or spouse.

NEW BIPARTISAN REPORT SHOWS THE LAW IS WORKING: The recent report on the impact of the law by the bipartisan Commission on Leave -- chaired by Senators Dodd and Craig -- shows that the law is working:

- **67 million Americans -- over half of workers -- are guaranteed they can take leave** from their job to care for a sick relative or a newborn child without fear of losing their job or their health insurance.
- **More than 12 million eligible workers have taken leave since its enactment.**
- **40% of all workers think they will need to take leave for a covered reason** at some time in the next 5 years. The leading reason is to care for a seriously ill parent.
- **Despite opponents' claims, compliance is easy and costs low for most employers:**
 - 9 in 10 employers find the law "very" or "somewhat" easy to administer.
 - Compliance entails either little or no costs for 89%-99% of businesses
 - Smaller covered worksites found it easier to comply than the larger sites.
- **Some businesses have reported reduced employee turnover, enhanced productivity and improved morale which they attribute to the Act.**

NOW IT IS TIME TO EXPAND THE LAW TO BETTER HELP WORKERS CARE FOR THEIR CHILDREN AND PARENTS. While the law is a major step forward, it does not cover many situations facing working families. Today, President Clinton proposed expanding the law to cover more family obligations to better help working families care for their children and elderly relatives without sacrificing their work obligations. Under the proposed expansion, workers could take up to 24 hours of leave each year to meet additional specified family obligations, including routine doctors appointments and parent-teacher conferences. Leave could be taken for the following purposes:

- **Participating in school activities** directly related to the educational advancement of your child, such as parent-teacher conferences or interviewing for a new school;
- **Accompanying your child to routine dental or medical appointments**, such as annual checkups or vaccinations;
- **Accompanying an elderly relative to routine medical appointments or other professional services** related to their care, such as interviewing nursing homes or group homes.

APM
Comments

April, 1997

-- DRAFT --

October 22, 1994

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Expanded Family and Medical Leave Policies

As you know, I have strongly supported meeting Federal employees' family and medical needs through enactment of the Family and Medical Leave of 1993 (FMLA) and the Federal Employees Family Friendly Leave Act (date?) (FEFFLA). However, Federal employees often have important family and medical needs which do not qualify for unpaid leave under the FMLA or sick leave under the FEFFLA. I ask you to take immediate action to further assist Federal workers in balancing the demands of work and family.

In September 1996, I sent legislation to Congress to expand the Family and Medical Leave Act of 1993. Title II of my proposed "Family Friendly Workplace Act of 1996" would allow Federal and eligible private sector workers 24 hours of unpaid leave each year to fulfill certain family obligations. Under the legislation, employees could use unpaid leave, scheduled in 7 days in advance, to participate in school activities directly related to the educational advancement of a child; accompany children to routine dental examinations; and tend to older relatives needs.

While Congress is considering the Family Friendly Workplace Act, I ask that you take immediate action to use your existing authorities to implement the FMLA expansion set forth in the legislation. Specifically, I ask that you ensure that employees may schedule and be granted up to 24 hours of annual leave, compensatory time off, credit hours, or leave without pay each year for the following activities:

[Has new
legislation
been
introduced?]

→ under flexible work schedules

(1) **SCHOOL ACTIVITIES.** To allow employees to participate in school activities directly related to the educational advancement of a child. This would include parent-teacher conferences, interviewing for a new school, or participating in volunteer activities supporting the child's educational advancement.

(2) **ROUTINE FAMILY MEDICAL PURPOSES.** To allow parents to accompany their children to routine dental or medical appointments, such as annual checkups or vaccinations. Although these activities are not currently covered by the FMLA, the FEFFLA does permit employees to use up to 13 days of sick leave each year for such purposes. Agencies should assure that employees are able to use up to 24 hours of annual leave, compensatory time off, credit hours, or leave without pay for these purposes in the rare cases when sick leave is not available to employees.

→ dental, or optical

(3) **ELDERLY
OLDER RELATIVES' HEALTH NEEDS.** To allow Employees to accompany an elderly relative to routine medical appointments or other professional services related to the care of the elderly relative, such as making arrangements for housing, meals, phones, banking services, and other similar activities, when these activities are not covered by the

→ under flexible work schedules

FMLA or the FEFFLA

OR other time off

The new policy will assure that employees can schedule and receive up to 24 hours away from the job each year for these exceptional family and medical circumstances. As proposed in the legislation I sent to Congress in September, where the need for leave is foreseeable (e.g., parent-teacher conferences or planned medical appointments), an employee should give 7 days' notice of his or her intent to use the 24 hours of unpaid leave, and an agency may require certification of the need for leave. To the extent possible, however, I urge you to accommodate employee needs as mission requirements permit even when it is not possible for employees to anticipate or schedule leave in advance for these purposes.

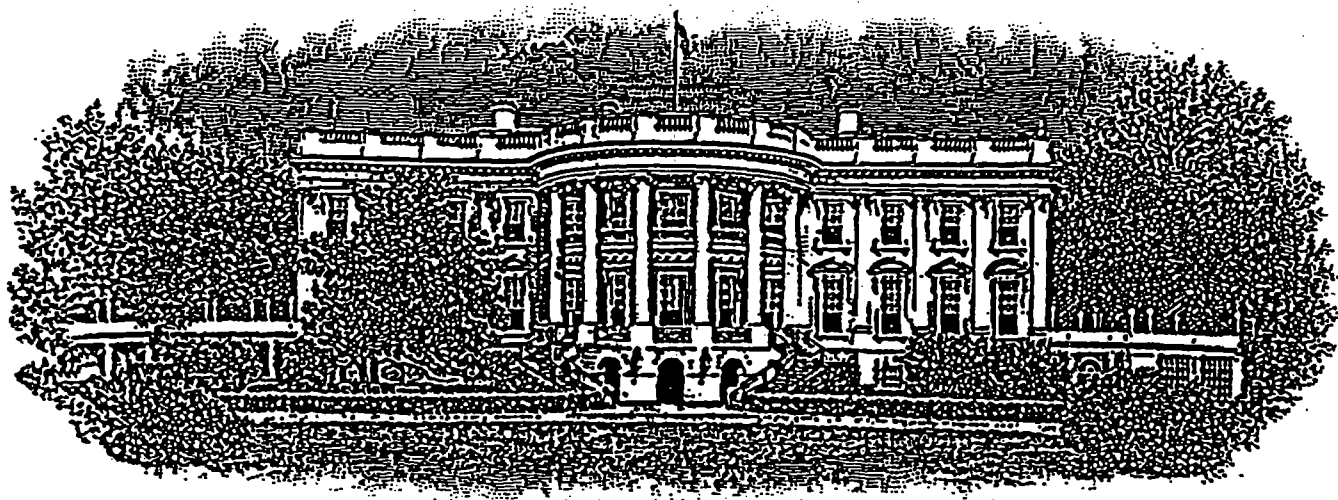
I encourage you to use a partnership approach with your employees and their representatives in developing an effective program that balances the employees need to succeed at work and at home. I ask agencies, unions, and management associations to work together to assess and improve the use of family friendly programs and to make certain that employees are aware of the new leave procedures.

Expanded family and medical leave policies.

Last ?
session

such
absence

The White House



DOMESTIC POLICY

FACSIMILE TRANSMISSION COVER SHEET

TO: Cathy Curran

FAX NUMBER: 219-4753

TELEPHONE NUMBER: _____

FROM: Elizabeth Dye

TELEPHONE NUMBER: _____

PAGES (INCLUDING COVER): 2

COMMENTS: final fact sheet - page ASAP
me if you have a problem

WHITE HOUSE STAFFING MEMORANDUM

DATE: 4/10 ACTION/CONCURRENCE/COMMENT DUE BY: 4/11 12 noonSUBJECT: Family and Medical Leave Directive (Radio address)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	McCURRY	☐	☒
BOWLES	☒	☐	McGINTY	☐	☐
McLARTY	☐	☐	NASH	☐	☐
PODESTA	☒	☐	RUFF	☒	☐
MATHEWS	☒	☐	SMITH	☐	☐
RAINES	☐	☐	REED	☒	☐
BAER	☒	☐	SOSNIK	☒	☐
ECHAVESTE	☐	☐	LEWIS	☒	☐
EMANUEL	☒	☐	YELLEN	☐	☐
GIBBONS	☐	☐	STREETT	☐	☐
HALE	☐	☐	SPERTLING	☒	☐
HERMAN	☐	☐	HAWLEY	☐	☐
HIGGINS	☒	☐	WILLIAMS	☐	☐
HILLEY	☒	☐	RADD	☐	☐
KLAIN	☐	☐	<u>Waldman</u>	☒	☐
BERGER	☐	☐	<u>Clerks</u>	☐	☒
LINDSEY	☐	☐		☐	☐

REMARKS:

Please advise. To be announced in taped radio address

RESPONSE:

Staff Secretary

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Expanded Family and Medical Leave Policies

As you know, I have strongly supported meeting Federal employees' family and medical needs through enactment of the Family and Medical Leave Act of 1993 (FMLA) and the Federal Employees Family Friendly Leave Act of 1994 (FEFFLA). However, Federal employees often have important family and medical needs that do not qualify for unpaid leave under the FMLA or sick leave under the FEFFLA. I ask you to take immediate action to further assist Federal workers in balancing the demands of work and family. STET

Last year I proposed to expand the Family and Medical Leave Act of 1993. My ^{time off} legislation would allow Federal and eligible private sector workers 24 hours of unpaid leave each year to fulfill certain family obligations. Under the legislation, employees could use unpaid leave, ~~scheduled 7 days in advance~~, to: participate in school activities directly related to the educational advancement of a child, including early childhood education activities; accompany children to routine medical and dental examinations; and tend to older relative needs. STET

In furtherance of my proposed policy, I ask that you take immediate action within existing statutory authorities to ensure that employees may schedule and be granted up to 24 hours of leave without pay each year for the following activities:

(1) SCHOOL AND EARLY CHILDHOOD EDUCATION ACTIVITIES -- to allow employees to participate in ~~school~~ activities directly related to the educational advancement of a child. This would include parent-teacher conferences or meetings with child-care providers, interviewing for a new school or child-care facility, or participating in volunteer activities supporting the child's education advancement. In this memorandum, "school" refers to an elementary school, secondary school, Head Start program, or a child-care facility. STET

(2) ROUTINE FAMILY MEDICAL PURPOSES -- to allow parents to accompany children to routine medical or dental appointments, such as annual checkups or vaccinations. Although these activities are not currently covered by the FMLA, the FEFFLA does ~~not~~ permit employees to use up to 13 days of sick leave each year for such purposes. Agencies should assure that employees are able to use up to 24 hours of leave without pay for these purposes in cases when no additional sick leave is available to employees.

certain

(shore
cross
hatches

(3) ELDERLY RELATIVES' HEALTH NEEDS -- to allow employees to accompany an elderly relative to routine medical appointments or other professional services related to the care of the elderly relative, such as making arrangement for housing, meals, phones, banking services, and other similar activities. Although Federal employees can use unpaid leave or sick leave for some of these activities under the FMLA or FEFFLA, such as caring for a parent with a serious health condition ~~or taking on elderly relative to a routine medical visit~~, agencies should ensure employees can use up to 24 hours of ~~paid~~ unpaid leave for this broader range of activities related to elderly relatives' health needs.]

Federal + 1m2 opp



This new policy will assure that employees can schedule and receive up to 24 hours away from the job each year for these family and medical circumstances. I also urge you to accommodate these employee needs ~~(as mission requirements permit)~~ even when it is not possible for employees to anticipate or schedule leave in advance for these purposes. And I ask that you support employees' requests to schedule paid leave -- annual leave, compensatory time off, and credit hours under flexible work schedules -- for these family activities. The Office of Personnel Management shall provide guidance to you on the implementation of this memorandum.

underline

When such leave is available to the employees

I encourage you to use a partnership approach with your employees and their representatives in developing an effective program that balances the employees' needs to succeed both at work and at home. I ask agencies, unions, and management associations to continue to work together to assess and improve the use of family-friendly programs and to make certain that employees are aware of the expanded family and medical leave policy.

such as

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

June 24, 1996

June 21, 1996

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Implementing Federal Family Friendly Work Arrangements

I continue to believe that honoring and supporting the concerns of family members in the workplace is vital to good government and to a productive work force. In order to build on its record of support for families in the Federal workplace, the executive branch must continue to examine its practices and to implement the goals of the Presidential Memorandum of July 11, 1994. The Federal Government must continue to set the pace in transforming the culture of the American workplace so that it supports employees who are devoted to their families.

It is clear to me that whenever the Federal Government establishes a goal of providing civilian employees and military personnel with an environment supportive to families, the result is greater cost efficiency, increased worker commitment and productivity, better customer service, and improved family life.

Therefore, today I am directing all executive departments and agencies to review their personnel practices and develop a plan of action to utilize the flexible policies already in place and, to the extent feasible, expand their ability to provide their employees:

- (1) assistance in securing safe, affordable quality child care;
- (2) elder care information and referral services;
- (3) flexible hours that will enable employees to schedule their work and meet the needs of their families. This includes encouragement to parents to attend school functions and events essential to their children;
- (4) opportunities to telecommute, when possible, and consistent with their responsibilities, to achieve the goal of 60,000 telecommuters by 1998 as set by the President's Management Council. This includes telecommuting from home and from satellite locations;
- (5) policies and procedures that promote active inclusion of fathers as well as mothers;
- (6) an effective mechanism by which employees can suggest new practices that strengthen families and provide for a more productive work environment; and
- (7) leadership and participation in these policies and programs at the highest level of the agency.

The departments and agencies shall provide an initial report on the results of this review to the Vice President through the National Performance Review within 120 days of the date of this memorandum. This report should include an assessment of progress made towards specific goals and include innovative approaches and detailed success stories.

more

(OVER)

The National Performance Review, together with the Domestic Policy Council, the President's Management Council Working Group on Telecommuting, the Office of Personnel Management, and the General Services Administration will continue to work with the executive agencies as we move forward together to increase productivity through family friendly work environments.

WILLIAM J. CLINTON

#

Elizabeth - listen to my voice mail
re this.

PAGE 1 -2 8

Could add: This action can be accomplished
under the existing authorities
available to agencies
and their managers.

**President Clinton Acts to
Expand Family and Medical Leave
for Federal Employees
April 12, 1997**

- **Today, President Clinton asked Federal agencies to expand Family and Medical Leave Act benefits for Federal Employees.** In September, 1996 President Clinton proposed legislation to expand the Family and Medical Leave Act (FMLA) to allow workers to take unpaid hours off -- up to 24 hours a year -- for child education, older relatives' health needs, and routine family medical purposes. Today President Clinton asked Federal agencies to implement this expanded leave policy immediately for Federal workers.
- **Federal workers could schedule up to 24 hours to help care for their children and parents.** The President asked agencies to ensure employees can schedule and be granted up to 24 hours of paid or unpaid leave for the following activities:
 - **School and early childhood education activities** -- to allow employees to participate in school activities directly related to the educational advancement of a child, including educational activities related to child care, Head Start programs, elementary school and secondary school. For example, parents could use leave to attend parent-teacher conferences or meetings with child care providers, or to interview for a new school or child care facility.
 - **Routine family medical purposes** -- to allow parents to accompany children to routine medical or dental appointments, such as annual checkups or vaccinations.
 - **Elderly relatives' health needs** -- to allow employees to accompany an elderly relative to routine medical appointments or other professional services related to the care of the elderly relative, such as making arrangements for housing, meals, phones, banking services, and other similar activities.
- **The President called on Congress to pass his legislation expanding the Family and Medical Leave Act for all workers.** The FMLA currently allows workers to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child, or spouse. The President urged Congress to pass his legislation expanding the FMLA to cover school and early childhood education activities, routine family medical care, and additional activities related to caring for an elderly relative.
- **Expanding the Family and Medical Leave Act will help Children ages zero to three...**

Federal employees

can

To be filed in



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

FROM: Franklin D. Raines
Director

SUBJECT: Proposed Memorandum Entitled "Expanded Family and Medical Leave Policies"

SUMMARY: This memorandum forwards for your consideration a proposed memorandum that was prepared by the White House Office of Domestic Policy. The proposed memorandum would direct executive departments and agencies to take immediate action within these existing statutory authorities to ensure that their employees, are able to schedule and be granted up to 24 hours of paid or unpaid leave for certain educational activities or medical purposes for their families.

BACKGROUND: Current law and Office of Personnel Management guidance give executive departments and agencies significant discretion in providing various kinds of leave to their employees for medical and other reasons. Unfortunately, instances have occurred where agencies have not shown sufficient flexibility in granting leave to their employees for their children's or elderly relative's medical or educational needs. To make clear to the agencies that it is important for them to show flexibility in the granting of leave, the proposed memorandum would direct executive departments and agencies to take certain actions.

The proposed memorandum would direct executive departments and agencies to take immediate action within their existing statutory authorities to ensure that employees may schedule and be granted up to 24 hours of paid or unpaid leave each year to allow: (a) employees to participate in school activities related to the educational advancement of a child; (b) parents to accompany children to routine medical or dental appointments, and (c) employees to accompany an elderly relative to routine medical appointments or make arrangements to help care for an elderly relative.

The Office of Personnel Management would provide guidance to the agencies on the implementation of the memorandum.

None of the affected agencies objects to the proposed memorandum.

RECOMMENDATION: I recommend that you sign the proposed memorandum.

Attachments

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Expanded Family and Medical Leave Policies

As you know, I have strongly supported meeting Federal employees' family and medical needs through enactment of the Family and Medical Leave Act of 1993 (FMLA) and the Federal Employees Family Friendly Leave Act of 1994 (FEFFLA). However, Federal employees often have important family and medical needs that do not qualify for unpaid leave under the FMLA or sick leave under the FEFFLA. I ask you to take immediate action to further assist Federal workers in balancing the demands of work and family.

Last year I proposed to expand the Family and Medical Leave Act of 1993. My legislation would allow Federal and eligible private sector workers 24 hours of unpaid leave each year to fulfill certain family obligations. Under the legislation, employees could use unpaid leave, scheduled 7 days in advance, to: participate in school activities directly related to the educational advancement of a child, including early childhood education activities; accompany children to routine medical and dental examinations; and tend to older relative needs.

In furtherance of my proposed policy, I ask that you take immediate action within existing statutory authorities to ensure that employees may schedule and be granted up to 24 hours of ~~annual leave, compensatory time off, credit hours under flexible work schedules, or~~ leave without pay each year for the following activities: ✓

(1) SCHOOL AND EARLY CHILDHOOD EDUCATION ACTIVITIES -- to allow employees to participate in school activities directly related to the educational advancement of a child. This would include parent-teacher conferences or meetings with child-care providers, interviewing for a new school or child-care facility, or participating in volunteer activities supporting the child's education advancement. In this memorandum, "school" refers to an elementary school, secondary school, Head Start program, or a child-care facility.

(2) ROUTINE FAMILY MEDICAL PURPOSES -- to allow parents to accompany children to routine medical or dental appointments, such as annual checkups or vaccinations. Although these activities are not currently covered by the FMLA, the FEFFLA does not permit employees to use up to 13 days of sick leave each year for such purposes. Agencies should assure that employees are able to use up to 24 hours of ~~annual leave, compensatory time off, credit hours, or~~ leave without pay for these purposes in cases when no additional sick leave is available to employees. ✓
✓

(3) **ELDERLY RELATIVES' HEALTH NEEDS** -- to allow employees to accompany an elderly relative to routine medical appointments or other professional services related to the care of the elderly relative, such as making arrangement for housing, meals, phones, banking services, and other similar activities. Although Federal employees can use unpaid leave or sick leave for some of these activities under the FMLA or FEFFLA, such as caring for a parent with a serious health condition or taking an elderly relative to a routine medical visit, agencies should ensure employees can use up to 24 hours of paid or unpaid for this broader range of activities related to elderly relatives' health needs.

This new policy will assure that employees can schedule and receive up to 24 hours away from the job each year for these family and medical circumstances. I also urge you to accommodate these employee needs as mission requirements permit even when it is not possible for employees to anticipate or schedule leave in advance for these purposes. The Office of Personnel Management shall provide guidance to you on the implementation of this memorandum.

I encourage you to use a partnership approach with your employees and their representatives in developing an effective program that balances the employees' needs to succeed both at work and at home. I ask agencies, unions, and management associations to continue to work together to assess and improve the use of family-friendly programs and to make certain that employees are aware of the expanded family and medical leave policy.

I ask that you support
employees' requests to
schedule paid leave --
annual leave, compensatory
time off, and credit hours
under flexible work schedules --
for those family activities

Draft Q & A for use by White House Press

(DRAFT: 3:48)

April 12, 1997

EXPANDED FAMILY FRIENDLY LEAVE POLICIES

456-5581

1. Why is the President issuing this memorandum?

- do I want to say this?*
- o The President is asking agency heads to support and encourage Federal employees as they attempt to ~~balance~~ ^{meet} their work and family demands. The development and implementation of family friendly policies is a priority of this Administration. Agencies can implement what the President asks for now by using their existing authorities, but the President hopes to accomplish even more in future legislation. *delete underline throughout*

2. What will the memorandum accomplish? What are the existing authorities?

- o Agencies have been asked to ensure that employees may schedule and be granted up to 24 hours of time off from work for three purposes:
 - (1) to participate in school activities directly related to the educational advancement of a child;
 - (2) to accompany their children to routine medical, dental, or optical appointments; and
 - (3) to accompany their elderly relatives to routine medical, dental, or optical appointments or other professional services.
- o Although employees can already use existing authorities--annual leave, sick leave (as appropriate), compensatory time off, credit hours under flexible work schedules, or leave without pay--for these purposes, the memorandum is important because it asks agencies to communicate their support and encouragement of these activities to the fullest extent possible. *good language*

3. Didn't the President already issue a memorandum on "Implementing Federal Family Friendly Work Arrangements" on June 21, 1996? What's new here?

- o The current memorandum is the latest building block in a series of initiatives that is intended to further strengthen the Government's family friendly working environment.
- o In June 1996, the President directed agencies to review their personnel practices and develop a plan of action to use existing flexibilities and, to the extent feasible, expand their family friendly work arrangements. Since then, agencies have continued to develop and strengthen these work arrangements.

Draft

2

4. Didn't the President already propose legislation to address these needs?

- o In September 1996, the President proposed the "Family Friendly Workplace Act of 1996" to Congress to expand the Family and Medical Leave Act of 1993 (FMLA). The proposed legislation would entitle Federal and private sector employees to up to 24 hours of unpaid leave each year to fulfill certain family obligations, such as participating in school activities, accompanying their children to doctor's appointments, and tending to elderly relatives' needs.

5. How does the President's memorandum differ from the September 1996 legislative proposal?

- o The key difference now is that in his memorandum, the President has asked agency heads to take immediate action to use their existing authorities to ensure that employees may schedule and be granted time off for the three purposes.
- o The proposed legislation, the Family Friendly Workplace Act, would entitle an employee to use an additional 24 hours of unpaid leave under the FMLA for the three purposes. Employees would have no legal entitlement to time off until the legislation is enacted. The proposed legislation is intended to build upon the Administration's ongoing efforts to create a family friendly work environment.

6. Are employees entitled to use leave under the President's expanded family friendly leave policies?

- o No. An employee has no entitlement to annual leave, compensatory time off, credit hours under flexible work schedules, or leave without pay for the purposes outlined in the President's memorandum. The President's memorandum is designed to support and encourage agencies to use their existing authorities to permit employees to take up to 24 hours of leave or other time off for these purposes.

7. Are agencies required to grant employees leave or other time off for these family friendly purposes?

- o No. Each request for leave should continue to be evaluated in terms of whether the employee's services are required or can be spared during the time period covered by the leave request. The intent of the President's memorandum is to

in their the current statutory framework,

Draft

3

grant employees leave for these purposes unless circumstances exist that would severely limit an agency's ability to accomplish its mission.

8. Will the President's April 12 memorandum make a real difference?

- o The President's memorandum sends a ^{strong} message of support and encouragement to agencies and employees alike. The memorandum will accomplish as much as possible, short of legislation. It will serve to deepen and expand family leave by enhancing the ability of employees to take time off to participate in children's education, elderly relatives' health needs, and routine family medical appointments. Working families often have to care for children, parents, or elderly relatives in circumstances in which they cannot use leave under the FMLA or the Family Friendly Leave Act.

9. Does this memorandum mean, in effect, that an employee is limited to only 24 hours of leave or other time off each year for these purposes?

- o No. The President's memorandum encourages agencies to provide up to 24 hours of time off from work each year for these purposes. However, this does not limit or prohibit an employee from requesting and receiving additional leave or other time off for school activities, routine family medical purposes, and elderly relatives' health needs.

10. Can employees use the 24 hours of leave or other time off intermittently (i.e., 1 hour or 1 day at a time)?

- o Yes. An employee may use the 24 hours of expanded family friendly leave in the same increments as all other leave and time off is granted by his or her agency.

11. What is "annual leave?"

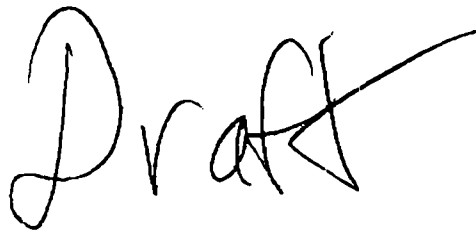
- o "Annual leave" is a paid absence from duty that is intended to allow Federal employees to have time off from the job for vacations, rest, and relaxation, as well as time off for any other purpose, including personal and business reasons and emergencies. An employee has a right to take annual leave, but it is the right of the agency or supervisor to approve when the leave may be taken.

12. What is "compensatory time off?"

- o "Compensatory time off" is time off with pay in exchange for performing approved overtime work. For Federal employees, 1 hour of compensatory time off is earned for each hour of overtime work performed.

I need to
run this

who are
FSEA exempt



4

13. What are "credit hours?"

- o "Credit hours" are hours during which the employee elects to work in excess of his or her normal work schedule so that he or she may later use those hours to reduce normal work requirements for a particular workday or workweek. Credit hours can only be earned under a flexible work schedule, which is a discretionary agency work arrangement. Under flexible work schedules, agencies may permit employees to carry over up to 24 credit hours from one pay period to another for future use.

14. What is the difference between "compensatory time off" and "credit hours?"

- o Compensatory time off is available for almost all employees. Credit hours are only available to employees on flexible work schedules. Unlike compensatory time off, credit hours cannot be converted into overtime pay and the employee is limited to carrying over no more than 24 credit hours from one pay period to the next. Unlike compensatory time off, credit hours cannot be converted into overtime pay and the employee is limited to carrying over no more than 24 credit hours from one pay period to the next.

15. Why doesn't the President's memorandum permit employees to earn compensatory time at a rate of time and a half?

- o Currently, the law restricts compensatory time off for Federal workers to an "equal amount of time" off for the overtime work performed. A change in law would be required to change the law in order to permit employees to earn compensatory time off at the rate of one and one-half hours off for each hour worked.

16. What is "leave without pay?"

- o "Leave without pay" is an approved absence from duty in a nonpay status. Agencies have discretionary authority to approve leave without pay. Employees are not entitled to leave without pay as a matter of right.

17. Why does the President's memorandum limit this benefit to Federal employees?

- o We would like to see private sector employers follow the lead of the Federal Government and join us in extending this needed benefit. However, legislation is needed to require private sector employers to do this.

- Lorraine Lewis 606-1700
- Jerry Mikowicz 606-2888

Maternity -

Sick leave - women can take up to 6 weeks not
annual leave "sick".

leave without pay FMLA - 12 weeks

- Father can use up to 3 days of sick leave
if the child is sick or take leave w/out
pay under FMLA (or annual leave)

Sick leave is an entitlement - set by
statute.

- Federal employees have a more generous
system of annual leave - time to
prepare for an event

adoption

- adoptive father can take sick
leave for "bonding" but biologic
father cannot use sick leave -

- adoptive parent - mother or father -
can take sick leave for actions/memoirs/
bonding required by adoption agency.
Pilot in early 90's; ~~for~~ legislated 1994.

Has raised equity issues.

Special leave for organ and bone marrow transplants. (7 days per year).

Cost Issue -

Equity Issues -

Unmarried Dads -

Gay couples - Domestic Partners

Existing Authority can be used

School activities - Longstanding practice sanctioned
by Comptroller of US
- leave w/out pay

Annual leave

Leave w/out pay - no right to it - you ask for
Compensatory time if your manager can grant it
or not grant it
Credit hours

| Can use annual or leave w/out pay - but not culture -

- Field employees - health care,
- not enough support from their line managers.

Routine Family Medical Purposes -

"Fed Employees

"Family Friendly Leave Act" expires
12/97 - we're doing ~~it~~ to
Congress.

Up to 13 days of sick leave

| Can use sick leave - extends that and reinforces ok to ask

24 hours would increase leave when

- 7 day notice

Creates an entitlement - must be
created by statute - so leave w/7
day advance would have

Older Relative Health Needs

FEPLA, — Can use for elderly well-parent
visits

FEPLA - broad~~ase~~ defn.
Some agencies are

~~FEPLA~~ - extending benefits to non-manual

— parents —

Sick leave - 13 days

Discretion of employee's supervisor - no law that
addresses

Me → I'm having talks to Labor

Ann - sorry, show AFL-CIO

Me - redraft letter

—

OMB Clearance — DOL, OPM, AFL-CIO

**IMPORTANT**

Cover Sheet

**Human Resources Systems Service
Office of Compensation Policy
Compensation Administration Division**

**(202) 606-2858 -- Voice Only
(202) 606-0824 -- FAX Only**

TO: *Elizabeth Drye*

FROM: *Jerry Mikowicz*

SUBJECT: *Expanded Family and Medical Leave Policies*

DATE: *4/8/97* **PAGES:** 5 **INCLUDING THIS COVER PAGE**

COMMENTS: *I left a voice mail message for you. I must have had the wrong direct line for you—456-7753—it did not work. Attached are OPM's comments on the draft Presidential memo. We also prepared a revised typed version in case that might help you. Please call to discuss any of the comments. We were concerned about the language . . . While Congress is considering the Family Friendly Workplace Act...." To our knowledge, the proposed legislation has not been introduced in the new session (105) of Congress. Jerry*

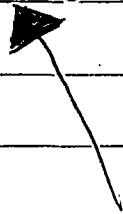
IMPORTANT

- Lisa Mallory 632-0389 NPR -

"all Family Friendly Policies."

Crystal Reach 632-0150 intern

Faith Wohl - was at GSA, now at NPR
632-0150 NPR



Susan Valase 632-0354

Ben Godwin 632-0374

Gloria's comment

April, 1997
-- DRAFT --

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Expanded Family and Medical Leave Policies

As you know, I have strongly supported meeting Federal employees' family and medical needs through enactment of the Family and Medical Leave of 1993 (FMLA) and the Federal Employees Family Friendly Leave Act of 1994 (FEFFLA). However, Federal employees often have important family and medical needs which do not qualify for unpaid leave under the FMLA or sick leave under the FEFFLA. I ask you to take immediate action to further assist Federal workers in balancing the demands of work and family.

what about child care?
Last year I [✓]proposed to expand the Family and Medical Leave Act of 1993. My legislation would allow Federal and eligible private sector workers 24 hours of unpaid leave each year to fulfill certain family obligations. Under the legislation, employees could use unpaid leave, scheduled 7 days in advance, to participate in school activities directly related to the educational advancement of a child; accompany children to routine medical and dental examinations; and tend to older relatives' needs. ^{vac.} 2 put first

I ask that you take immediate action to use your existing authorities to implement the FMLA expansion set forth in the proposed legislation. Specifically, I ask that you ensure that employees may schedule and be granted up to 24 hours of annual leave, compensatory time off, credit hours under flexible work schedules, or leave without pay each year for the following activities:

AND CHILD CARE

(1) SCHOOL ACTIVITIES -- to allow employees to participate in school activities directly related to the educational advancement of a child. This would include parent-teacher conferences, interviewing for a new school, or participating in volunteer activities supporting the child's educational advancement. Here, as in my proposed legislation, "school" refers to an elementary school, secondary school, Head Start program, or a child care facility licensed under State law. ^{highlight}

Put 1st
(2) ROUTINE FAMILY MEDICAL PURPOSES -- to allow parents to accompany children to routine medical or dental appointments, such as annual checkups or vaccinations. Although these activities are not currently covered by the FMLA, the FEFFLA does permit employees to use up to 13 days of sick leave each year for such purposes. Agencies should assure that employees are able to use up to 24 hours of annual leave, compensatory time off, credit hours, or leave without pay for these purposes in the rare cases when sick leave is not available to employees.

(3) ELDERLY RELATIVES' HEALTH NEEDS -- to allow employees to accompany an elderly relative to routine medical appointments or other professional services related to

where would that be?

the care of the elderly relative, such as making arrangements for housing, meals, phones, banking services, and other similar activities, ~~(when these activities are not covered by the FMLA or the FEFLA.)~~ ?

This new policy will assure that employees can schedule and receive up to 24 hours away from the job each year for these ~~exceptional~~ family and medical circumstances. ~~To the extent possible,~~ I urge you to accommodate employee needs as mission requirements permit even when it is not possible for employees to anticipate or schedule leave in advance for these purposes. also

I encourage you to use a partnership approach with your employees and their representatives in developing an effective program that balances the employees' need to succeed at work and at home. I ask agencies, unions, and management associations to continue to work together to assess and improve the use of family friendly programs and to make certain that employees are aware of the expanded family and medical leave policy.



FAX TRANSMITTAL FROM

**THE OFFICE OF THE GENERAL COUNSEL
U.S. OFFICE OF PERSONNEL MANAGEMENT**

TO: Elizabeth Dry

of _____

phone _____ **fax** _____

FROM: Lorraine Lewis

OPM

phone 202-606-1700 **fax** (202) 606-2609

DATE: 3/11/97

TOTAL NUMBER OF PAGES (including cover sheet): 6

COMMENTS:

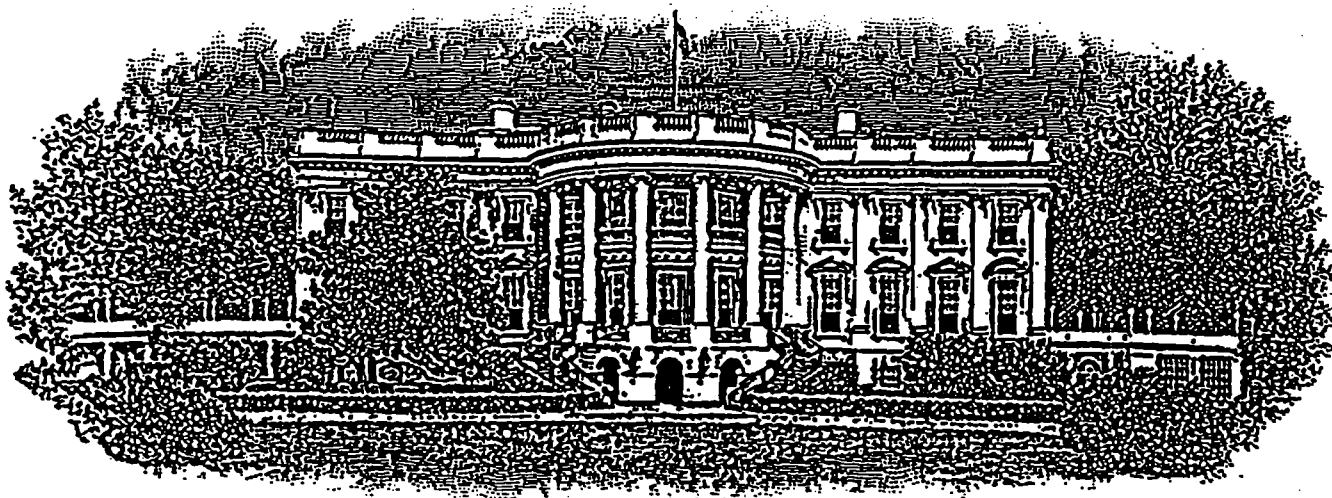
Attached is a draft memorandum we prepared last year but was not transmitted to agencies.

FMLA

Amber Lewis 6-2802 - NEC -

Phil Caplan 6-2215

The White House



DOMESTIC POLICY

FACSIMILE TRANSMISSION COVER SHEET

TO: Phil Caplan

FAX NUMBER: 6-2215

TELEPHONE NUMBER: _____

FROM: Elizabeth Drye

TELEPHONE NUMBER: 6-5573

PAGES (INCLUDING COVER): 6

COMMENTS: Here are the previously drafted
FLMA extension documents

THE WHITE HOUSE

Office of the Press Secretary
(Nashville, Tennessee)

For Immediate Release

June 24, 1996

PRESS BRIEFING BY
GENE SPERLING

Tennessee Performing Arts Center
Nashville, Tennessee

9:45 A.M. CDT

MR. MCCURRY: All right, let me get started. I'm happy to have Gene Sperling here who can answer questions that you might have, or lay out in a little greater detail the proposal the President will make in his remarks this morning concerning both extending, expanding and deepening the Family Medical Leave Act; and then also adjusting our Fair Labor Standard Acts Requirements to provide for flexible time compensation for those who work overtime.

Gene, thanks for bailing me out.

Q Excuse me, Mike, before you step aside, do you want to comment on the Supreme Court ruling that it will hear the case --

MR. MCCURRY: Yes. As to the Supreme Court's decision to grant cert -- Mr. Bennett, the President's attorney, will have a lengthier statement -- but the White House is pleased that the Court has recognized the merit in the petition put forward by the President's attorneys. We're pleased that the Court will hear these very important constitutional issues.

Q Are you also pleased that it might move the case past the November election?

MR. MCCURRY: No comment on that.

Q Has the President been informed --

MR. MCCURRY: The President was going to be informed right during the break here, because he was obviously in the hall.

MR. SPERLING: I can do my best to try to answer any questions. If there's particular details that one needs clarification that I don't have, I can get them for you shortly.

Basically, the President today is announcing two specific legislative provisions that are designed to increase the ability of family members to balance the difficulties of being both a worker and parent and family member.

The first thing is an expansion of the Family Medical and Leave Act. We recently received the bipartisan commission's study on the Family Medical Leave Act, which was chaired by Senator Dodd and Republican Senator Craig. Very positive, nine and ten employers saying that they found the law very or somewhat easy to administer, not having impact on cost. I think that this provides

-MORE-

strong justification for expansion. The expansion we have would go not less to more exceptional or crisis situations, but more to ensuring that a worker can take time off for a few of the routine but vital things that a parent or an adult child at times needs.

The three things that explicitly -- the provision is participating in school activities directly related to the educational advancement of a child, such as a parent-teacher conference. Second is accompanying a child to routine medical procedures or doctor's appointments. And, then, finally, accompanying an elderly relative to routine medical appointments or professional services or such matters as helping a parent or an older relative perhaps select a nursing home or move from one nursing home to the next.

This would be limited to 24 hours a year. This is to both ensure that the average person would have enough leave to cover these areas, but also not to open it up so that there is any potentials for abuse. We keep it flexible at 24 hours a year. This could mean that a parent who needed three or four hours for a doctor appointment would have that ability six times a year; somebody who needed eight hours at a time to help a grandparent or a great uncle or a father move from one nursing home to the other could also take this time without fear that they could be penalized by their workers. This would be, as I said, a legislative expansion of the Family and Medical Leave Act.

The second proposal does amend the Fair Labor Standards Act, and it would allow employer and employee, together, to work out a situation where they could have up to a limit of 80 hours of flex time, paid flex time. So, in other words, for every hour of overtime, every hour that you work over 40 hours under the Fair Labor Standards Act, the employer must pay one hour and a half in overtime. That is the existing law. This would allow, if the employer and employee chose, for that one and a half to be taken as paid flex time. And we would allow that to be accumulated up to 80 hours, up to an 80-hour limit.

The important part about our provision is one has to understand that the original purposes of the Fair Labor Standard Act was the belief that, you know, there was a need to protect workers, particularly workers who did not have a tremendous amount of power in the work place, from being in any way abused or work to excessive amounts, or from employers to preventing hiring additional workers when that was the right thing. And as a disincentive towards those abuses, they said that there should be an hour and a half of overtime for every pay for every hour of overtime worked.

Now we are trying to branch out and allow more flexibility. But the key is, can you do that while still making sure that it is employee choice and that there is real protections against coercion, and that there really is financial protections if the company were to go bankrupt. Some of these issues are not issues that have to be worried about, particularly bankruptcy, in the public sector. But in the private sector they are very important.

And what we and the President is trying to show today is that he believes that we can make this major expansion, make this major reform in allowing for flex time, but that we can do so in a way that does allow for employee choice that makes sure, or at least does everything we can to minimize the potential for coercion of the employee at the work force.

This is a fairly sharp contrast to many of the provisions to the Republican bill that's up there right now. We list some of these in the handout we gave. But one, for example, is the fact that under our provision there must be a written agreement. In

other words, we do not want to allow for the situation where the employer simply tells an employee he has to take something in comp time and it is simply the employer's word against the employee -- there's just one word against the other. By having a written agreement, that provides a significant protection against coercion for the employee.

Obviously, also, this time could also importantly interact with our first provision if somebody needed to take paid time off for a parent-teacher conference. These two could be used together. That could not be the case under the Republican alternative. Very importantly under ours, once the employer agrees to do the comp time -- excuse me, what we call the flex time -- the employee, once they give two weeks notice, can use that flex time as they want -- once they give the two weeks notice. If they give less than two weeks notice, the employer can object if he feels so -- he or she feels it would unduly burden their business.

It is important to note that under the Republican provision the ultimate control always rests with the employer. The employee can choose to work overtime believing they're going to use it for flex time, and the employer is allowed to renege at any time by saying that taking the flex time would be an undue burden -- no matter how much notice is given. They could repurchase back and decide that they had changed their mind and wanted to give it in overtime instead of comp time. Our provision, again, ensures that the employee maintains ultimate control and can decide with two weeks notice when to use it. Employees can cash out their flex time with two weeks notice at any time. And, as we say, we keep an 80-hour limit.

Again, in the public sector it can be two 40-hour, there's not much fear that the federal government or any other government is generally going to have a bankruptcy problem. However, that is a very major problem in the private sector, where there are fly-by-night companies. And so we keep an 80-hour limit.

We also would make sure that any of the hours that are used -- that if somebody chooses hours to be taken in flex time, they cannot be penalized for that in terms of how the unemployment benefits are distributed or how overtime is considered in the future. So we have a general provision that in anything related to unemployment benefits or future overtime, a worker will not be worse off because they chose the flex time over overtime.

The other thing I wanted to stress is that this is not just a proposal for next year, we are drafting legislation, we are working with members of Congress. John Hilley is working with members of Congress as we speak right now. We are working on legislation expeditiously and hope to have it this week or next. So this is something that we believe we would like to try to pass right now, if not, for a second term.

MR. MCCURRY: Thank you, Gene Sperling -- living proof that you must have a sufficient balance between work time and family time in your life. (Laughter.)

MR. SPERLING: I am here as a briefer, not a role model. (Laughter.)

Q Gene, you might have explained this, but is there addition -- what's the tax burden if you take flex time? Do you still pay taxes on what the overtime would be?

MR. SPERLING: Yes. It would count the same. So it would be an hour and a half of compensation. So it would not have any effect on one's payroll taxes. The problem that it could have is imagine that you work 10 hours of overtime and you took your

overtime pay -- well, let's say you took 40 hours of overtime, you took your overtime pay.

But then you came to a situation where you were laid off. If you had already taken your 40 hours of overtime pay, then the day you were laid off you would start to become eligible for unemployment benefits. We wouldn't want somebody to say, well, because you still have comp time built up, you have to wait until that comp or flex time is used. Those are ways that people would be penalized for using the flex time. So what we do is in each of those provisions just make sure the worker is no worse off for choosing the flex time.

Q Gene, would the President veto the Republican version of this bill?

MR. SPERLING: I think that we would -- I think he strongly opposes it. We hope that it will not -- that we will be able to get our reforms our way. I think he'd very, very strongly oppose the bill and I think that there would at least be recommendations for a veto from Secretary Reich and others, if it came up in the current form.

But our policy from the President is not to, you know, comment on the hypothetical bills that are coming up as much and to see if we can be successful in convincing people, including moderate Republicans, that it is much better to have an employee choice bill -- an employee choice bill. We feel once this is on the table we hope this can be a consensus bill that would draw bipartisan support.

Q Gene, what is it in the Republican bill that makes it objectionable?

MR. SPERLING: We think that just down the line the Republican bill puts the ultimate control in the employer's hand, it has very little protections against coercion. We're trying to strike a balance here. The Fair Labor Standard Act was designed to prevent unfair coercion in the workplace. In realizing the difficulties of a modern economy you now want to realize that that well-intentioned bill also may be too rigid in some degrees in not allowing that flexibility.

In opening up the flexibility, you want to strike a balance. We feel that the Republican bill does not strike that balance. And if you create place after place in the workplace where it is simply the employer's word against, perhaps, a junior employee's word -- if there's no written agreement, if they can renege at any time, if they can choose when they want to give the flex time and when not -- then we feel that this is a bit of a wolf in sheep's clothing and we want to be very rigid on each of these provisions in saying why not make it -- if you're really serious about employee choice, you should use our provisions.

And I encourage anybody to look at the article on the front page of the Wall Street Journal today, the lead story there, which makes very clear how widespread the abuse on overtime is even now and how very real it is to have these kind of protections against coercion and insurance that it's truly an employee choice bill.

Q How are you going to enforce this? Will you have to add more people to the Labor Department?

MR. SPERLING: In the fiscal year 1997 budget the Secretary of Labor has already asked for up to 300 more people. Now, some of that is to enforce their new obligations to prevent against illegal immigration. But I know that Secretary Reich wants to use some to do more on this, and I know that the President is interested in

hearing recommendations from the Secretary on how to prevent some of the abuses that are discussed in the Wall Street Journal today.

So there could be a need for even more help on the enforcement side. I think a compelling case of that is made today.

Q Gene, under the President's plan, what is the penalty if an employer reneges?

MR. SPERLING: There is double damages for violations against overtime that an employee would have earned, but was not permitted to work because the worker wanted to earn pay rather than flex time. So there could be up to double -- there could be double damages. And we would not seek to put in an overly burdensome, intentional willful violation standard that would be impossible for an employee to ever establish.

Q Why do you not cover or make allowance for sporting events, kids sporting events at school?

MR. SPERLING: Well, first of all, we are drafting the legislation now and we will be working -- I think that with all of these things, as there is a balance between giving more flexibility and preventing against coercion, we also want to draw a balance against giving more flexibility but preventing abuses. And I think in drafting the legislation you do not want to have it so broad that it could lead to time off for things that people did not think were legitimate.

So I think we wanted to focus on educational activities. I think that there could be some room for broadening that, but I think that is what they're working on in the legislation right now.

Q If you wanted to basically have the employee have as much freedom as possible and you limit them to 24 hours, why not let them choose how to use that 24 hours?

MR. MCCURRY: Why don't we take some of these questions later, because I think some people need to hear President Clinton. Gene can be around and talk to some of you individually.

Thanks.

END

10:02 A.M. CDT

countries, the Big Seven economies. In the last three and a half years, those economies have created a total of 10 million jobs, 9.7 million in the United States and 300,000 in the other six. So the Family Leave law did not hurt the American economy, it helped the American economy. (Applause.)

Now, again I say the most important thing is for us to have a framework. Then, by far, more significant would be changing the culture of America -- have, as Vance Opperman said, having more companies follow the leads of the companies that are here. But I do believe that we've had a lot of time now to think about this and work on this in the last three years. I've listened to people talk about it. I believe there are two more changes we can make that would help the American economy, not hurt business, and strengthen families. And I want to propose them here today in the hope that you will bring us the same good fortune that you did last year with the V chip and the telecommunications bill.

First of all, the Family and Medical Leave law has done a lot of good, but it is extremely narrow in its purpose. In other words, you're entitled to time off without losing your job in a workplace of 50 employees or more if there's a medical crisis involving a parent or a child, an immediate family member, or the birth of a child. That's better than it used to be. But I believe, just based on -- and you heard some of this today -- I believe we should expand the Family Leave law.

I would propose that we pass a Family Leave II that would allow employees to take up to 24 hours a year -- that's not a lot of time -- for parent-teacher conferences or for routine medical care for a child, a spouse or a parent -- because there are a lot of parents who cannot go to school to see the child's teacher because the work schedule and the schedule of the school don't work. And there are a lot of times when there is a routine, what at least starts out to be a routine medical problem, where it really makes a difference if the parent can go -- especially with a young child -- or where there's nobody else to take the parent.

So I am very hopeful that we can get some support for this. (Applause.) I also think it would create a more honest workplace. I mean, I bet every one of us knows somebody who's called in sick or said they had car trouble so they could go meet with their child's teacher or take a child or a parent to the doctor. So I think that we ought to pass Family Leave II and I believe it will make a difference.

Secondly, I think we need to make the workplace more family-friendly, especially where a lot of overtime is concerned, and give people more flex-time in taking overtime either in income or in time with their families.

Now, traditionally, overtime has been a very important way for a lot of American workers to realize their dreams. Overtime is really the difference between a good middle-class existence and being in real trouble for a lot of workers. And I don't believe we should change that. But with more Americans working more hours simply spending time with your family can be a dream in itself -- a vacation, a maternity leave that goes beyond what's mandated by law, or if the child's in trouble and you just need some time to spend time with your child.

So today what I'm proposing is that we redefine compensation in a way that reflects the value of family and community. I'm going to send to Congress a flex-time initiative that will give employees this choice. If you work overtime you can be paid time and a half, just as you are now and just as the law requires. But if you want, you can take that payment in time; and for every hour

**SECTION-BY-SECTION ANALYSIS
"FAMILY-FRIENDLY WORKPLACE ACT OF 1996"**

SECTION 1. SHORT TITLE.

TITLE I--COMPENSATORY TIME

SECTION 101. IN GENERAL.

Section 101 adds the following subsections to section 7 of the Fair Labor Standards Act:

Subsection 7(r)(1) to allow compensatory time in lieu of paid overtime compensation in the private sector, except for temporary, part-time and seasonal workers, and employees in the garment industry.

Subsection 7(r)(2) to restrict the availability of compensatory time to those employers that (1) have a written agreement with an employee representative, or (2) where there is no such representative, establish a written plan that provides employees with a voluntary option to receive compensatory time upon written request by the employee prior to performing the overtime work. Also, an employer may only offer compensatory time if acceptance of compensatory time is not a condition of employment and if it offers compensatory time to similarly-situated employees on an equal basis.

Subsection 7(r)(3)(A) to limit the total amount of compensatory time that can be earned by employees to 80 hours per year. The employer shall regularly report to the employee the number of compensatory hours earned and used.

Subsection 7(r)(3)(B) to allow employees to receive cash for their earned compensatory time 15 days after they request it, at their regular rate when earned or when cashed out, whichever is higher (the "cash out" rate).

Subsection 7(r)(3)(C) to require employers to cash out each employee's earned compensatory time for the preceding calendar year at the cash out rate not later than January 31 of each year (or 31 days after an alternative 12-month period), although an employee may request in writing not to receive this end-of-year payout.

Subsection 7(r)(3)(D) to grant the Secretary the authority to issue rules to restrict the availability and use of compensatory time by occupation or industry.

Subsection 7(r)(4) to provide that any employee who terminates employment, voluntarily or involuntarily, shall have earned compensatory time paid at the cash out rate. This provision also prohibits such cashing out from being used by the employer to oppose an employee's application for unemployment

compensation or being used by a State to deny or diminish the employee's entitlement to unemployment compensation.

Subsection 7(r)(5) to set forth the following circumstances under which an employee may use earned compensatory time: (1) for any reason that would qualify for leave under the Family and Medical Leave Act or comparable State law; (2) for any other purpose (a) upon at least two weeks notice, unless use of the compensatory time would likely cause substantial and grievous injury to the employer's operations or (b) upon less than two weeks notice, unless the employee's use of the compensatory time would unduly disrupt the operations of the employer. Also, an employee's use of compensatory time may not be substituted by the employer for any other leave to which the employee is or would be entitled, or has or would have earned.

Subsection 7(r)(6) to prohibit an employer from requiring an employee to use earned compensatory time.

Subsection 7(r)(7) to provide that monetary compensation received for cashing out earned compensatory time shall be treated as compensation for hours worked for purposes of calculating entitlement to employee benefits, and that use of earned compensatory time shall be treated as hours worked for purposes of overtime and calculating entitlement to employee benefits.

Subsection 7(r)(8) to provide that an employer may terminate or modify a compensatory time plan only upon 60 days notice to employees.

Subsection 7(r)(9) to provide that an employer may not pay monetary compensation in lieu of earned compensatory time except as expressly provided in this subsection.

Subsection 7(r)(10) to make it an unlawful act of discrimination under Section 15(a)(3) of the FLSA for an employer to (1) discriminate against an employee who may refuse or has refused to request or accept compensatory time in lieu of cash overtime or may request to use or has used compensatory time in lieu of cash overtime; (2) request an employee to accept compensatory time in lieu of cash overtime, require an employee to request compensatory time as a condition of employment, or qualify the availability of overtime work on a request for or acceptance of compensatory time; or (3) deny an employee the right to use or force an employee to use earned compensatory time.

Subsection 7(r)(11) to state that any employer that violates any provision of subsection 7(r) shall be liable, in a suit brought by an employee under Section 16(b) or the Secretary under Section 16(c), for wages and liquidated damages and such other

legal or equitable relief as may be appropriate.

Subsection 7(r)(12) to provide that for purposes of bankruptcy, the value of earned compensatory time shall be treated as wages earned when cash out was due.

Subsection 7(r)(13) to provide definitions for the terms "overtime compensation," "compensatory time and compensatory time off," "part-time, temporary or seasonal employees" (including in agriculture and the construction industry), and "overtime assignment."

Subsection 7(r)(14) to grant the Secretary rulemaking authority, including issuing rules on recordkeeping, the contents of employer plans and employee notification.

Sec. 102. CIVIL MONEY PENALTIES.

Subsection 16(e) of the FLSA is amended to provide that civil money penalties not to exceed \$1000 per violation would be available for any violation of Sections 6, 7 or 11(c) of the FLSA.

Sec. 103. CONSTRUCTION.

Section 18 of the FLSA is amended to provide that no provision of this Act shall be construed to: (1) supersede any State laws that provide greater protection to employees provided compensatory time; (2) diminish the obligation of an employer to comply with a collective bargaining agreement or benefit plan that provides greater protection to employees provided compensatory time; or (3) discourage employers from adopting or retaining compensatory time plans that provide more protection to employees.

Sec. 104. COMMISSION ON WORKPLACE FLEXIBILITY.

Section 104 establishes a Commission on Workplace Flexibility to conduct a study of the impact of this section of the Act on employees, including vulnerable workers, and to submit a report to Congress and the Secretary of Labor not later than one year before the expiration of the Act.

Sec. 105. EFFECTIVE DATES.

Subsection 105(a). The provisions of TITLE I are effective on January 1, 1997.

Subsection 105(b). The provisions of TITLE I expire four years after enactment.

TITLE II--PARENTAL INVOLVEMENT AND ELDER-CARE LEAVE

Sec. 201. GENERAL REQUIREMENTS FOR LEAVE.

Section 201 amends the Family and Medical Leave Act (FMLA) of 1993, with respect to non-Federal workplaces, as follows:

(a) LEAVE REQUIREMENT.

Section 102(a)(3)(A) to allow eligible employees a total of 24 hours of unpaid "Parental Involvement and Elder-Care Leave" during any 12-month period to:

(i) participate in school activities directly related to their child's educational advancement, such as parent-teacher conferences; (ii) accompany their child to routine medical appointments; and (iii) accompany their elderly relative to appointments for routine medical services or other professional services related to the elder's care.

Section 102(a)(3)(B) to define the terms "school" and "elderly relative."

(b) SCHEDULE.

Section 102(b)(1) is amended by adding that the expanded leave entitlements provided under subsection 102(a)(3) may be taken intermittently or on a reduced leave schedule.

(c) SUBSTITUTION OF PAID LEAVE.

Section 102(d)(2)(A) is amended by adding that an employee may elect to substitute, or an employer may require the employee to substitute, the employee's accrued paid vacation, personal or family leave for the expanded leave entitlements provided under subsection 102(a)(3).

(d) NOTICE.

Section 102(e)(3) provides notice requirements for the expanded leave entitlements provided under subsection 102(a)(3): at least 7 days if the need for leave is foreseeable; as soon as practicable if not foreseeable.

(e) CERTIFICATION.

Section 103(f) provides that an employer may require an employee to submit a certification in support of a request for the expanded leave entitlements provided under subsection 102(a)(3).

SECTION 202. LEAVE FOR CIVIL SERVICE EMPLOYEES.

Section 202 amends the codification of FMLA in Title 5 of the United States Code, with respect to Federal workplaces, as follows:

(a) LEAVE REQUIREMENT.

Section 6382(a)(3)(A) to allow civil service employees a total of 24 hours of unpaid "Parental Involvement and Elder-Care Leave" during any 12-month period to:

(i) participate in school activities directly related to their child's educational advancement, such as parent-teacher conferences; (ii) accompany their child to routine medical appointments; and (iii) accompany their elderly relative to appointments for routine medical services or other professional services related to the elder's care.

Section 6382(a)(3)(B) to define the terms "school" and "elderly relative."

(b) SCHEDULE.

Section 6382(b)(1) is amended by adding that the expanded leave entitlements provided under section 6382(a)(3) may be taken intermittently or on a reduced leave schedule.

(c) SUBSTITUTION OF PAID LEAVE.

Section 6382(d) is amended by adding that an employee may substitute the employee's accrued or accumulated annual leave for the expanded leave entitlements provided under section 6382(a)(3).

(d) NOTICE.

Section 6382(e)(1) is amended to provide notice requirements for the expanded leave entitlements provided under section 6382(a)(3): at least 7 days if the need for leave is foreseeable; as soon as practicable if not foreseeable.

(e) CERTIFICATION.

Section 6383(f) provides that an employee may be required to submit a certification in support of a request for the expanded leave entitlements provided under section 6382(a)(3).

SECTION 203. EFFECTIVE DATE.

Section 203. The provisions of TITLE II are effective 120 days after the date of enactment.

A BILL

To establish a system that offers workers more choice and flexibility in balancing their work and family obligations, by allowing employees who work overtime to choose to receive paid time off in lieu of monetary compensation and by allowing eligible employees of covered employers to take additional unpaid, job-protected leave for specified parental and elder care purposes, and for other purposes.

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family-Friendly Workplace Act of 1996".

TITLE I--COMPENSATORY TIME

Sec. 101. IN GENERAL.

Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended to add a new subsection (r) to read as follows:

"(r)(1) An employee who is not a part-time, temporary, or seasonal employee as defined in subparagraph (13)(C) of this subsection, who is not an employee of a public agency or of an employer in the garment industry, and who is not otherwise exempted from this subsection by regulations issued by the Secretary of Labor pursuant to subparagraph (3)(D) of this subsection, may receive, in accordance with this subsection and in lieu of

monetary overtime compensation, compensatory time off at a rate not less than 1 1/2 hours for each hour of employment for which overtime is required by this section.

“(2) An employer may provide compensatory time to an eligible employee under paragraph (1) only

“(A) pursuant to --

“(i) applicable provisions of a collective bargaining agreement, memorandum of understanding or any other written agreement between the employer and representative of such employees; or

“(ii) in the case of employees who are not represented by a collective bargaining agent or other representative designated by the employee, a plan adopted by the employer and provided in writing to its employees which provides employees with a voluntary option to receive compensatory time off for overtime work where there is an express, voluntary written request by an individual employee for compensatory time off in lieu of overtime pay, provided to the employer prior to the performance of any overtime assignment; and

"(B) if the employee has not earned compensatory time in excess of the applicable limit prescribed by subparagraph (3)(A) or in regulations issued by the Secretary pursuant to subparagraph (3)(D); and

"(C) if the employee is not required as a condition of employment to accept or request compensatory time; and

"(D) if the agreement or plan complies with the requirements of this subsection and the regulations issued by the Secretary thereunder, including the availability of compensatory time to similarly-situated employees on an equal basis.

"(3)(A) An employee may earn not more than a total of 80 hours of compensatory time in any year or alternative 12-month period designated pursuant to subparagraph (C). The employer shall regularly report to the employee on the number of compensatory hours earned by the employee and the total amount of the employee's earned and unused compensatory time, in accordance with regulations issued by the Secretary of Labor.

"(B) Upon the request of an employee who has earned compensatory time, the employer shall, within 15 days following the request, provide monetary compensation for any such compensatory time at a rate not less than the regular rate earned by the employee at the time the employee

performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher.

“(C) Not later than January 31 of each calendar year, each employer shall provide monetary compensation to each employee for any compensatory time earned during the preceding calendar year for which the employee has not already received monetary compensation (either through paid time off or cash payment) at a rate not less than the regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher. An agreement or plan under paragraph (2) may designate a 12-month period other than the calendar year, in which case such compensation shall be provided not later than 31 days after the end of such 12-month period. An employee may voluntarily, at the employee's own initiative, request in writing that such end-of-year payment of monetary compensation for earned compensatory time be delayed for a period not to exceed three months. This subparagraph shall have no effect on the limit on earned compensatory time set forth in subparagraph (A) of this paragraph or in regulations issued by the Secretary pursuant to subparagraph (D).

"(D) The Secretary may issue regulations regarding classes of employees, including but not limited to all employees in particular occupations or industries, to

"(i) exempt such employees from the provisions of this subsection;

"(ii) limit the number of compensatory hours that such employees may earn to less than the number provided in subparagraph (A) of this paragraph; or

"(iii) require employers to provide such employees with monetary compensation for earned compensatory time at more frequent intervals than specified in subparagraph (C) of this paragraph,

where the Secretary has determined that such regulations are necessary or appropriate to protect vulnerable employees; where a pattern of violations of the Act may exist; or otherwise to assure that employees receive the compensation due them.

"(4) An employee who has earned compensatory time authorized to be provided under paragraph (1) shall, upon the voluntary or involuntary termination of employment or upon expiration of this subsection, be paid for unused compensatory time at a rate of compensation not less than the

regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher. A terminated employee's receipt of or eligibility to receive monetary compensation for earned compensatory time shall not be used

"(A) by the employer to oppose an employee's application for unemployment compensation or

"(B) by a State to deny unemployment compensation or diminish an employee's entitlement to unemployment compensation benefits.

"(5) An employee shall be permitted to use any compensatory time earned pursuant to paragraph (1):

"(A) for any reason which would qualify for leave under § 102(a) of the Family and Medical Leave Act, 29 U.S.C. 2612(a), or any comparable State law, irrespective of whether the employer is covered or the employee is eligible under such laws; or

"(B) for any other purpose

"(i) upon notice to the employer at least two weeks prior to the date(s) on which the time off is to be used, unless use of

the compensatory time at that time will cause substantial and grievous injury to the employer's operations; or

“(ii) upon notice to the employer within the two weeks prior to the date(s) on which the time off is to be used unless use of the compensatory time at that time will unduly disrupt the operations of the employer.

An employee's use of earned compensatory time may not be substituted by the employer for any other paid or unpaid leave or time off to which the employee otherwise is or would be entitled or has or would earn, nor satisfy any legal obligation of the employer to the employee pursuant to any law or contract.

“(6) An employee shall not be required by the employer to use any compensatory time earned pursuant to paragraph (1).

“(7) When an employee receives monetary compensation for earned compensatory time, the compensation shall be treated as compensation for hours worked for purposes of calculation of entitlement to employment benefits. When an employee uses earned compensatory time off, the employee shall be paid for the time off at the employee's regular rate at the time the employee performed the overtime work or at the employee's regular rate when the time off is taken, whichever is higher, and the hours

for which the employee is so compensated shall be treated as hours worked during the applicable workweek or other work period for purposes of overtime compensation and calculation of entitlement to employment benefits.

"(8) Except where there is a collective bargaining agreement, an employer may modify or terminate a compensatory time plan upon not less than 60 days notice to employees.

"(9) An employer may not pay monetary compensation in lieu of earned compensatory time except as expressly prescribed in this subsection.

"(10) It shall be an unlawful act of discrimination, within the meaning of § 15(a)(3), for an employer

"(A) to discharge or in any other manner penalize, discriminate against or interfere with any employee because such employee may refuse or has refused to request or accept compensatory time off in lieu of overtime pay, or because such employee may request to use or has used compensatory time off in lieu of overtime pay; or

"(B) to request, directly or indirectly, that an employee accept compensatory time off in lieu of overtime pay, to require an employee to request such compensatory time as a condition of employment or as

a condition of employment rights or benefits, or to qualify the availability of work for which overtime compensation is required upon an employee's request for or acceptance of compensatory time off in lieu of overtime compensation; or

“(C) to deny an employee the right to use or force an employee to use earned compensatory time in violation of this subsection.

“(11) An employer who violates any provision of this subsection shall be liable, in an action brought pursuant to §§ 16(b) or 16(c) of the Act, in the amount of overtime compensation that would have been paid for the overtime hours worked or overtime hours that would have been worked, plus an additional equal amount as liquidated damages, such other legal or equitable relief as may be appropriate to effectuate the purpose of this section, costs, and, in the case of an action filed under § 16(b), reasonable attorney's fees. Where an employee has used compensatory time off or received monetary compensation for earned compensatory time for such overtime hours worked, the amount of such time used or monetary compensation paid to the employee shall be offset against the employer's liability under this paragraph, but not against liquidated damages due.

“(12) The entire liquidated value of an employee's accumulated compensatory time, calculated as provided for in this subsection, shall, for

purposes of proceedings in bankruptcy under title 11 of the United States Code, be treated as unpaid wages earned by the individual as of

“(A) the date the employer was legally or contractually obligated to provide monetary compensation to the employee for the compensatory time, or

“(B) if the employer was not legally or contractually obligated to provide such monetary compensation prior to filing a petition for bankruptcy or ceasing to do business, the date of filing such petition or ceasing to do business, whichever is earlier.

“(13) For purposes of this subsection --

“(A) the term ‘overtime compensation’ means the compensation required by subsection (a);

“(B) the terms ‘compensatory time’ and ‘compensatory time off’ mean hours during which an employee is not working and for which the employee is compensated in accordance with this subsection in lieu of monetary overtime compensation;

“(C) the term ‘part-time, temporary, or seasonal employee’ means:

“(i) an employee whose regular workweek for the employer is less than 35 hours per week; or

“(ii) an employee who is employed by the employer for a season or other term of less than twelve months or is otherwise treated by the employer as not a permanent employee of the employer; or

“(iii) an employee in the construction industry, in agricultural employment (as defined by § 3(3) of the Migrant and Seasonal Agricultural Worker Protection Act, as amended, 29 U.S.C. 1802(3)), or in any other industry which the Secretary by regulation has determined is a seasonal industry.

“(D) the term ‘overtime assignment’ means an assignment of hours for which overtime compensation is required under this section.

“(14) The Secretary may issue regulations as necessary and appropriate to implement this subsection including, but not limited to, regulations implementing recordkeeping requirements and prescribing the content of plans and employee notification.”.

Sec. 102. CIVIL MONEY PENALTIES.

Subsection 16(e) of the Fair Labor Standards Act, 29 U.S.C. 216(e), is amended by modifying the second sentence in that subsection as follows:

"Any person who violates section 206, 207 or 211(c) of this Act shall be subject to a civil penalty not to exceed \$1000 for each such violation.”.

Sec. 103. CONSTRUCTION.

Section 18 of the Fair Labor Standards Act, 29 U.S.C. 218, is amended by designating existing § 18 as subsection (a) and by adding a new subsection (b) to read as follows:

“(b)(1) No provision of this Act or of any order thereunder shall be construed to

“(A) supersede any provision of any State or local law that provides greater protection to employees who are provided compensatory time off in lieu of paid overtime compensation;

“(B) diminish the obligation of an employer to comply with any collective bargaining agreement or any employment benefit program or plan that provides greater protection to employees provided compensatory time off in lieu of paid overtime; or

“(C) discourage employers from adopting or retaining compensatory time plans that provide more protection to employees.

“(2) Nothing in this subsection shall be construed to allow employers to provide compensatory time plans to classes of employees who are exempted from subsection 7(r), to allow employers to provide more compensatory time than allowed under subsection 7(o) or (r), or to supersede any limitations placed by subsection 7(o) or (r), including

exemptions and limitations in regulations issued by the Secretary thereunder."

Sec. 104. COMMISSION ON WORKPLACE FLEXIBILITY.

(a) ESTABLISHMENT.--There is established a Commission on Workplace Flexibility (the "Commission"). The members of the Commission shall be selected in accordance with the procedures set forth in § 303 of the Family and Medical Leave Act, 29 U.S.C. 2633, and the compensation and powers of the Commission shall be as prescribed in §§ 304 and 305 of that Act, 29 U.S.C. 2634 and 2635.

(b) DUTIES.--The Commission shall conduct a comprehensive study of the impact of compensatory time on public and private sector employees including, but not limited to, the impact of the law on average earnings, hours of work, work schedules, and flexibility of scheduling work to accommodate family needs, and on the ability of vulnerable employees or other employees to obtain the compensation to which they are entitled. A report concerning the findings of the study shall be submitted to the appropriate Committees of Congress and to the Secretary not later than one year before the expiration of this title. The report shall include recommendations as to whether the compensatory time provisions of the Fair Labor Standards Act should be modified or extended, including a

recommendation as to whether particular classes of employees or industries should be exempted or otherwise given special treatment, and whether additional protections should be given, including to employees of public agencies. The Commission shall have no obligation to conduct a study and issue a report pursuant to this section if funds are not authorized and appropriated for that purpose.

Sec. 105. EFFECTIVE DATES.

(a) EFFECTIVE DATE.--The provisions of this title shall become effective on January 1, 1997.

(b) SUNSET.--The provisions of this title shall expire four years after enactment.

TITLE II--PARENTAL INVOLVEMENT AND ELDER-CARE LEAVE

Sec. 201. GENERAL REQUIREMENTS FOR LEAVE.

(a) ENTITLEMENT TO LEAVE.--Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(3) ENTITLEMENT TO PARENTAL INVOLVEMENT AND
ELDER-CARE LEAVE.--

"(A) IN GENERAL.--Subject to section 103(f), an eligible employee shall be entitled to a total of 24 hours of leave during any 12-month period, in addition to leave available under paragraph (1), to:

"(i) participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a new school;

"(ii) accompany the son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations; and,

"(iii) accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes.

"(B) DEFINITIONS.-- As used in this paragraph:

"(i) SCHOOL.--The term 'school' means an elementary school or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary

Education Act of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility licensed under State law.

"(ii) ELDERLY RELATIVE.--The term 'elderly relative' means an individual of at least 60 years of age who is related by blood or marriage to the employee, including a parent."

(b) SCHEDULE.--Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule."

(c) SUBSTITUTION OF PAID LEAVE.--Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting before the period the following: ", or for leave provided under subsection (a)(3) for any part of the 24-hour period of such leave under such subsection".

(d) NOTICE.--Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

"(3) NOTICE FOR PARENTAL INVOLVEMENT AND ELDER-CARE LEAVE.--If the necessity for leave under subsection (a)(3) is

foreseeable, the employee shall provide the employer with not less than 7 days notice before the date the leave is to begin. If the necessity for leave is not foreseeable, the employee shall provide such notice as is practicable."

(e) CERTIFICATION.--Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) CERTIFICATION FOR PARENTAL INVOLVEMENT AND ELDER-CARE LEAVE.--An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe."

SEC. 202. LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) ENTITLEMENT TO LEAVE.--Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

"(3)(A) Subject to section 6383(f), an employee shall be entitled to a total of 24 hours of leave during any 12-month period, in addition to leave available under paragraph (1), to:

"(i) participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a new school;

"(ii) accompany the son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations; and,

"(iii) accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes.

"(B) DEFINITIONS.-- As used in this paragraph:

"(i) SCHOOL.--The term 'school' means an elementary school or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility licensed under State law.

"(ii) ELDERLY RELATIVE.--The term 'elderly relative' means an individual of at least 60 years of age who is related by blood or marriage to the employee, including a parent."

(b) SCHEDULE.--Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule."

(c) SUBSTITUTION OF PAID LEAVE.--Section 6382(d) of such title is amended by inserting before ", except" the following: ", or for leave provided under subsection (a)(3) any of the employee's accrued or accumulated annual leave under subchapter I for any part of the 24-hour period of such leave under such subsection".

(d) NOTICE.--Section 6382(e)(1) of such title is amended by adding at the end the following: "If the necessity for leave under subsection (a)(3) is foreseeable, the employee shall provide the employer with not less than 7 days notice before the date the leave is to begin. If the necessity for leave is not foreseeable, the employee shall provide such notice as is practicable."

(e) CERTIFICATION.--Section 6383 of such title is amended by adding at the end the following:

"(f) CERTIFICATION.--An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe."

SEC. 203. EFFECTIVE DATE.--The provisions of this title shall become effective 120 days after the date of enactment.

- What is the Fed govt doing on Paternity leave

- Domestic Violence

- go to court

- get a restraining order

- add it to FMA under pending bills in Congress.

Domestic Violence

- going court - medical treatment -
documentation of wounds - living
arrangements - chi

HR 851 Roy Lucille Roybell-Atland
S 367 Wellstone.

Phil Recht. - Add'l Reporting, enforcement, on Fed Lands. -

- 1^o laws front seat, back seat

- public info, educ, enforcement

- getting into on # Traffic tickets.

Side by side - current laws / new potential

August
Drafts

THE WHITE HOUSE

WASHINGTON

August , 1996

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Expanded Family Friendly Leave Policies

At the Nashville Family Reunion Conference on June 24, 1996, I announced several new family friendly workplace proposals that our Administration intends to pursue through future legislation. As you know, we have strongly supported meeting employees' family and medical needs in the Federal Government through the enactment of the Family and Medical Leave Act and the Federal Employees Family Friendly Leave Act. However, Federal employees often have important family and medical needs which do not qualify for unpaid leave under the Family and Medical Leave Act or sick leave under the Federal Employees Family Friendly Leave Act. We can take immediate action to build upon our past efforts and improve our current program by expanding our existing Federal family and medical leave policies.

In my June 21, 1996, memorandum, I directed all executive departments and agencies to expand their ability to provide "flexible hours that will enable employees to schedule their work and meet the needs of their families. This includes encouragement to parents to attend school functions and events essential to their children." At Nashville, Vice President Gore and I also spoke of the need for additional flexibility to help employees deal with routine family medical demands and assisting older relatives. Therefore, as part of this effort to address the needs of Federal workers for time to support their families, I ask the heads of executive departments and agencies to take immediate action to use their existing authorities to ensure that employees may schedule and be granted up to 24 hours of annual leave, compensatory time off, credit hours, or leave without pay each year for the following purposes:

(1) **SCHOOL ACTIVITIES.** To allow employees to participate in school activities directly related to the educational advancement of a child. This would include parent-teacher conferences, interviewing for a new school, or participating in volunteer activities supporting the child's educational advancement.

(2) ROUTINE FAMILY MEDICAL PURPOSES. To allow parents to accompany children to routine dental or medical appointments, such as annual checkups or vaccinations. Although these activities are not covered by the Family and Medical Leave Act, the Federal Employees Family Friendly Leave Act does permit employees to use up to 13 days of sick leave each year for such purposes. However, agencies should assure that employees are able to use up to 24 hours of annual leave, compensatory time off, credit hours, or leave without pay for these purposes in the rare cases when sick leave is not available to the employees.

(3) OLDER RELATIVES' HEALTH NEEDS. To allow employees to accompany an elderly relative to routine medical appointments or other professional services related to the care of the elderly relative, such as making arrangements for housing, meals, phones, banking services, and other similar activities, when these activities are not covered by the Family and Medical Leave Act or the Federal Employees Family Friendly Leave Act.

Although executive departments and agencies generally approve employees' requests to take annual leave, sick leave (as appropriate for routine family medical purposes under the Federal Employees Family Friendly Leave Act), compensatory time off, credit hours, and leave without pay for these purposes, the new policy will assure that employees can schedule and receive up to 24 hours away from the job each year for these exceptional family and medical circumstances. Since this leave would not be covered by the Family and Medical Leave Act, it is in addition to the 12 weeks of unpaid leave that is already available to Federal employees under the Act. To the extent possible, I urge you to accommodate employee needs as mission requirements permit even when it is not possible for employees to anticipate or schedule leave in advance for these purposes.

I encourage you to use a partnership approach with your employees and their representatives in developing an effective program that balances the employees' need to succeed at work and at home. I ask agencies, unions, and management associations to work together to assess and improve the use of family friendly programs and to make certain that employees are aware of the new leave procedures.

THE WHITE HOUSE**WASHINGTON****August , 1996****MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES****SUBJECT: Expanded Family Friendly Leave Policies**

At the Nashville Family Reunion Conference on June 24, 1996, I announced several new family friendly workplace proposals that our Administration intends to pursue through future legislation. As you know, we have strongly supported meeting employees' family and medical needs in the Federal Government through the enactment of the Family and Medical Leave Act and the Federal Employees Family Friendly Leave Act. However, Federal employees often have important family and medical needs which do not qualify for unpaid leave under the Family and Medical Leave Act or sick leave under the Federal Employees Family Friendly Leave Act. We can take immediate action to build upon our past efforts and improve our current program by expanding our existing Federal family and medical leave policies.

In my June 21, 1996, memorandum, I directed all executive departments and agencies to expand their ability to provide "flexible hours that will enable employees to schedule their work and meet the needs of their families. This includes encouragement to parents to attend school functions and events essential to their children." At Nashville, Vice President Gore and I also spoke of the need for additional flexibility to help employees deal with routine family medical demands and assisting older relatives. Therefore, as part of this effort to address the needs of Federal workers for time to support their families, I ask the heads of executive departments and agencies to take immediate action to use their existing authorities to ensure that employees may schedule and be granted up to 24 hours of annual leave, compensatory time off, credit hours, or leave without pay each year for the following purposes:

(1) **SCHOOL ACTIVITIES.** To allow employees to participate in school activities directly related to the educational advancement of a child. This would include parent-teacher conferences, interviewing for a new school, or participating in volunteer activities supporting the child's educational advancement.

(2) ROUTINE FAMILY MEDICAL PURPOSES. To allow parents to accompany children to routine dental or medical appointments, such as annual checkups or vaccinations. Although these activities are not covered by the Family and Medical Leave Act, the Federal Employees Family Friendly Leave Act does permit employees to use up to 13 days of sick leave each year for such purposes. However, agencies should assure that employees are able to use up to 24 hours of annual leave, compensatory time off, credit hours, or leave without pay for these purposes in the rare cases when sick leave is not available to the employees.

(3) OLDER RELATIVES' HEALTH NEEDS. To allow employees to accompany an elderly relative to routine medical appointments or other professional services related to the care of the elderly relative, such as making arrangements for housing, meals, phones, banking services, and other similar activities, when these activities are not covered by the Family and Medical Leave Act or the Federal Employees Family Friendly Leave Act.

Although executive departments and agencies generally approve employees' requests to take annual leave, sick leave (as appropriate for routine family medical purposes under the Federal Employees Family Friendly Leave Act), compensatory time off, credit hours, and leave without pay for these purposes, the new policy will assure that employees can schedule and receive up to 24 hours away from the job each year for these exceptional family and medical circumstances. Since this leave would not be covered by the Family and Medical Leave Act, it is in addition to the 12 weeks of unpaid leave that is already available to Federal employees under the Act. To the extent possible, I urge you to accommodate employee needs as mission requirements permit even when it is not possible for employees to anticipate or schedule leave in advance for these purposes.

I encourage you to use a partnership approach with your employees and their representatives in developing an effective program that balances the employees' need to succeed at work and at home. I ask agencies, unions, and management associations to work together to assess and improve the use of family friendly programs and to make certain that employees are aware of the new leave procedures.



OFFICE OF THE DIRECTOR

**UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, D.C. 20415**

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM:

**JAMES B. KING
DIRECTOR**

A handwritten signature in black ink, appearing to read "James B. King", is written over the printed name and title.

SUBJECT:

EXPANDED FAMILY FRIENDLY LEAVE POLICIES

This is to transmit a memorandum from President Clinton requesting that you take immediate action to ensure that employees may schedule and take up to 24 hours of time off annually for participation in school activities, routine family medical purposes, and older relatives' health needs. This initiative was announced by the President at the recent Nashville Family Reunion Conference, and it builds upon our Government's ongoing efforts to create a family friendly work environment. The President asks that you use your existing authorities to implement this policy now.

It is true that employees have a generous annual leave program and that the Federal Employees Family Friendly Leave Act does provide up to 13 days of sick leave each year to care for family members, including routine family medical exams. In some circumstances, sufficient annual or sick leave may not be available to the employee (e.g., a leave recipient under a leave bank program). In other circumstances, some employees have reported that their agencies have not been supportive of a family friendly work environment because their supervisors have not been cooperative in approving leave for routine family medical purposes, older relatives' health needs, and school activities. Although we have made much progress, the President asks that we improve our current programs.

As you know, the Federal Government has an impressive array of family friendly leave flexibilities, including annual leave, sick leave, the Family and Medical Leave Act, the Federal Employees Family Friendly Leave Act, sick leave for adoption, leave transfer and leave bank programs, bone marrow and organ donation leave, compensatory time off, alternative work schedules and credit hours, and leave

2

without pay. These flexibilities are of great importance to employees and clearly enhance the commitment and productivity of the workforce. In accordance with the President's request, please analyze your existing family friendly policies and ensure that your department or agency incorporates positive language to support the scheduling and granting of up to 24 hours of time off annually in the form of annual leave, compensatory time off, credit hours, or leave without pay, as appropriate, for (1) school activities, (2) routine family medical purposes, and (3) older relatives' health needs as discussed in the President's memorandum.

I urge you to review how effective you have been in documenting and communicating your family friendly policies to all employees, supervisors, and managers. As you proceed, I also add my full support to the President's encouragement for you to implement his requests through the use of a partnership approach.

A copy of the President's memorandum is attached. Questions may be referred to OPM's Office of Compensation Policy on (202) 606-2858 or FAX (202) 606-0824.

Attachment



UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, D.C. 20415

OFFICE OF THE DIRECTOR

JUL 19 1996

**MEMORANDUM FOR JEREMY BEN-AMI
DEPUTY ASSISTANT TO THE PRESIDENT
FOR DOMESTIC POLICY**

**THROUGH: KITTY HIGGINS
ASSISTANT TO THE PRESIDENT AND SECRETARY
OF THE CABINET**

**FROM: JANICE R. LACHANCE
CHIEF OF STAFF**

SUBJECT: Expanded Family Friendly Leave Policies

The attached proposed Presidential memorandum requests the heads of agencies and departments to ensure that Federal employees may schedule and be granted up to 24 hours of time off each year for participation in school activities, routine family medical purposes, and older relative's health needs. This memorandum is a follow-up to the President's June 21, 1996, memorandum to heads of executive departments and agencies on implementing Federal family friendly work arrangements and the Nashville Family Reunion Conference on June 24, 1996. The attached proposal was discussed at your meeting with Jim King and members of the Vice President's staff on July 16th at the White House.

A memorandum from Jim King transmitting the President's memorandum is included. If you have any questions on the attached documents, please call me.

In order to expedite the dissemination of the attached documents, please send the signed Presidential memorandum to Jerome D. Mikowicz, Room 7H24, Office of Personnel Management, or call us at 606-2858 for pick-up.

Thank you.

Attachments



FAX COVER SHEET

OFFICE OF THE ADMINISTRATOR
WAGE AND HOUR DIVISION

FAX NUMBER (202) 219-4753
COMMERCIAL (202) 219-8305

TO: Elizabeth Dwyer

DATE: _____

FAX NUMBER: _____

PAGES: 3
(include cover sheet)

LOCATION: _____

FROM: Kathy Curran

If you do not receive all of the pages please call:

NAME: _____

NUMBER: _____

COMMENTS/INSTRUCTIONS:

Corlis Sellers

From: Pourhashemi Kathy[SMTP:KPourhas@dol.gov]
Sent: Thursday, February 06, 1997 10:28 AM
To: Barnes Barbara; Riddick Gmerice; Turner Sheila D.; Fillichio Carl; Delory Ann; St. John David; Sachar Sally; Sellers Corlis,ESA; Echaveste Maria,ESA; Jack Donahue; Curran Kathleen,ESA; Tarmey Margorie ESA; Seiden Suzanne,ESA
Subject: FW: 1997-02-01 Weekly Radio Address

From: Mail-Server
To: Public-Distribution
Subject: 1997-02-01 Weekly Radio Address
Date: Tuesday, February 04, 1997 12:00AM

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

February 1, 1997

RADIO ADDRESS BY THE PRESIDENT TO THE NATION

The Oval Office

10:06 A.M. EST

THE PRESIDENT: Good morning. As a parent, I know how important it is to take responsibility for our children when they need us most — when they're sick, when they need to go to the doctor, or when there's a parent-teacher conference at school. Fortunately, Hillary and I have never have to risk our jobs to be there for our daughter. We've never had to make the choice between being good parents and good workers.

Today I want to talk with you about what we have done and what more we must do as a people to give that same assurance to every American family. One of the things I wanted most to do when I became President was to help parents succeed — both at home and at work. That's why I was so proud to make the Family and Medical Leave Act the very first bill I signed as President, exactly four years ago this Wednesday. Family and Medical Leave allows people in companies with 50 or more employees to take up to 12 weeks of unpaid leave, to care for a newborn or a newly-adopted child, or to be with a family member who is seriously ill without fear of losing the job.

Today, over half of all American workers share this important benefit. People like Christy Sens a first grade teacher from Fairfax, Virginia, who is here with me today. Christy was among the first Americans to make use of the new Family Leave Law in 1993 when she and her husband were expecting their first child. She thought she would be forced to choose between the six weeks her school allowed her for new mothers, or taking a whole year off

Page 1

without pay. Because of our new law, she was able to spend 12 full weeks at home, recovering from her pregnancy and spending precious time with her new daughter. Christy used the benefit again in 1995 for the birth of her second child.

Family leave is not only family-friendly, it's employer-friendly as well. Also with me today is Stan Sorrell, President and CEO of the Calvert Group, an investment firm in Bethesda, Maryland; and two of his employees who have also used family leave. The Calvert Group started a family and medical leave program three years before it became the law of the land. Like almost 90 percent of the businesses covered by the law, they found that family leave is easy to administer and costs them little or nothing. So we know it's working for both families and businesses. After all, in these past four years, American business has created over 11 million new jobs -- more than any other four-year term in our history.

Now, we must make it even easier for parents to live up to their responsibilities to their children and to their employers. Today, I call upon Congress to expand the Family Leave Law, to give parents an additional 24 hours of unpaid leave each year to take a child or an elderly relative to a regular doctor's appointment or to attend parent-teacher conferences at school. In so doing, we'll make our families stronger and our workers more productive -- building the kind of country and economy we all want for our children.

We also must address the fact that too many workers still do not know about the Family Leave Law. That's why I'm pleased to announce that we're launching a multimedia public education campaign to spread the word about Family Leave to make sure employers and employees have the facts and to make sure everyone knows how to make this law work for them. It's simply not enough to help people have the tools to succeed. We also have to make sure they know what those tools are.

The centerpiece of this campaign is a new 800 number that any American can call to learn about Family and Medical Leave. It's 1-800-959-FMLA. That's 1-800-959-FMLA. You can also get information through our Labor Department's Web Site on the Internet -- www.dol.gov. That's www.dol.gov.

By expanding Family Leave to cover children's doctor visits and parent-teacher conferences and by helping more Americans to learn about the opportunity of Family Leave, we can enable millions of more of our fellow citizens to meet their responsibilities both at home and at work. That's how we must prepare our people for a new century full of new promise and possibility.

As parents, teachers and business people, as members of the work force and members of our communities, we all share a stake in the strength of our families. Our society can never be stronger than the children we raise or the families in which we raise them. That's why Family Leave is more than just a single issue or accomplishment. It is at the heart of our approach to preparing America for the 21st century by ensuring that we can all meet our obligations and make the most of our God-given gifts.

Thanks for listening.

END

10:11 A.M. EST

President Clinton Announces New Family-Friendly Workplace Proposals

- ✓ Expanded Family & Medical Leave**
- ✓ Employee-Choice Flex-Time**

June 24, 1996

***Nashville Family Reunion Conference Hosted By
Vice President Al Gore***

Nashville Family Reunion Conference Hosted By Vice President Al Gore, June 24, 1996

**PRESIDENT CLINTON ANNOUNCES NEW
FAMILY-FRIENDLY WORKPLACE PROPOSALS:**

- **EXPANDED FAMILY & MEDICAL LEAVE**
- **EMPLOYEE-CHOICE FLEX-TIME**

NEW EXPANSION OF FAMILY AND MEDICAL LEAVE: *President Clinton's new proposal would deepen and expand Family Leave by allowing a worker to take unpaid hours off -- with a maximum of 24 hours a year -- for child education, older relatives' health needs, and routine family medical purposes.*

Current Family and Medical Leave Law. The FMLA helps families only with a medical crisis or special limited care-giving needs, such as a birth or adoption. But working families often have to care for children or parents in circumstances for which they cannot use Family and Medical Leave.

New Family And Medical Leave Procedures. FMLA expansion would be limited to 24 hours a year for the following specific purposes:

- **SCHOOL ACTIVITIES.** Participating in school activities directly related to the educational advancement of your child, such as parent-teacher conferences or interviewing for a new school;
- **ROUTINE FAMILY MEDICAL PURPOSES.** Accompanying your child to routine dental or medical appointments, such as annual checkups or vaccinations;
- **OLDER RELATIVES' HEALTH NEEDS.** Accompanying an elderly relative to routine medical appointments or other professional services related to the care of the elderly relative, such as interviewing nursing homes or group homes.

NEW EMPLOYEE-CHOICE FLEX-TIME: *President Clinton's new proposal would offer American workers more choice and flexibility in finding ways both to earn the wages they need to support their families and still find the time they need to be with them. The President's proposal would:*

- **EMPLOYEE CHOICE.** Allows employees to agree with their employers to work overtime in exchange for paid time-off -- flex-time -- with a limit of up to 80 hours. An hour of overtime could thus be used for 1-and-1/2-hours of overtime pay or 1-and-1/2 hours of flex-time.
- **FLEX-TIME FOR ANY PURPOSE WITH 2 WEEKS NOTICE.** Workers could use their earned flex-time for any reason -- as long as they give their employers 2 weeks notice.
- **EMPLOYEES CAN ALWAYS CHOOSE PAY OVER FLEX-TIME.** Workers would maintain the right to choose overtime pay, and even if they choose flex-time, they could still cash out any portion of their flex-time pay with two weeks notice.
- **FLEX-TIME FOR FAMILY LEAVE.** Employees can use their accumulated family flex-time for family leave purposes at any time.

OPPOSE ATTEMPTS TO REDUCE WORKER CHOICE: *In announcing these new family-*

EXPANDING THE FAMILY AND MEDICAL LEAVE ACT – TO HELP FAMILIES BALANCE WORK AND FAMILY RESPONSIBILITIES

June 24, 1996

"Family and medical leave is a matter of pure common sense and a matter of common decency. It will provide Americans what they need most: peace of mind. Never again will parents have to fear losing their jobs because of their families."

– President Clinton at the signing of the Family and Medical Leave Act, February 5, 1993

PRESIDENT CLINTON DELIVERED ON HIS PROMISE TO PROVIDE FAMILY

LEAVE: In his first month in office, President Clinton delivered on his promise and signed the Family and Medical Leave Act of 1993 into law. The law allows workers at businesses with 50 or more employees to take up to 12 weeks of unpaid, job-protected leave to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child or spouse.

NEW BIPARTISAN REPORT SHOWS THE LAW IS WORKING: The recent report on the impact of the law by the bipartisan Commission on Leave – chaired by Senators Dodd and Craig – shows that the law is working:

- **67 million Americans** – over half of workers – are guaranteed they can take leave from their job to care for a sick relative or a newborn child without fear of losing their job or their health insurance.
- **More than 12 million eligible workers** have taken leave since its enactment.
- **40% of all workers** think they will need to take leave for a covered reason at some time in the next 5 years. The leading reason is to care for a seriously ill parent.
- **Despite opponents' claims, compliance is easy and costs low for most employers:**
 - 9 in 10 employers find the law "very" or "somewhat" easy to administer
 - Compliance entails either little or no costs for 89%-99% of businesses
 - Smaller covered worksites found it easier to comply than the larger sites.
- **Some businesses** have reported reduced employee turnover, enhanced productivity and improved morale which they attribute to the Act.

NOW IT IS TIME TO EXPAND THE LAW TO BETTER HELP WORKERS CARE FOR THEIR CHILDREN AND PARENTS. While the law is a major step forward, it does not cover many situations facing working families. Today, President Clinton proposed expanding the law to cover more family obligations to better help working families care for their children and elderly relatives without sacrificing their work obligations. Under the proposed expansion, workers could take up to 24 hours of leave each year to meet additional specified family obligations, including routine doctors appointments and parent-teacher conferences. Leave could be taken for the following purposes:

- **Participating in school activities** directly related to the educational advancement of your child, such as parent-teacher conferences or interviewing for a new school;
- **Accompanying your child** to routine dental or medical appointments, such as annual checkups or vaccinations;
- **Accompanying an elderly relative** to routine medical appointments or other professional services related to their care, such as interviewing nursing homes or

PRESIDENT CLINTON'S NEW EMPLOYEE-CHOICE FLEX-TIME PROPOSAL

TODAY, PRESIDENT CLINTON ANNOUNCES A NEW EMPLOYEE-CHOICE FLEX-TIME PROPOSAL. President Clinton's employee-choice flex-time proposal would help to make workplaces more family friendly by ensuring worker flexibility while guarding against abuses by coercive or unstable businesses -- with explicit protections against coercion. President Clinton's proposal would allow more Americans to have the time they need to fulfill their responsibilities as both workers and as parents or grown children of elderly relatives.

- **Workers could agree with their employers to receive extra paid time-off -- "flex-time" -- instead of working overtime for cash pay.** Consistent with existing law, workers would get time-and-a-half in flex-time -- extra paid time-off -- for each hour of overtime. There would be a limit of 80 hours that a worker could accumulate in flex-time. And all additional overtime work -- beyond the limit -- would have to be paid in cash.
- **Employees can choose to use their flex-time for family and medical leave purposes whenever they need it.** At any time, workers can use their flex-time for family and medical leave purposes -- to care for a new born or adopted child, to attend to their own serious health needs, or to care for a seriously ill child, parent, spouse.
- **Workers maintain ultimate control of when to use flex-time, as long as they provide two weeks notice to their employers.** Employees can use flex-time for any purpose as long as the worker gives at least two weeks of notice to his or her employer, or with less notice if the employer's operations are not unduly disrupted. Private-sector employees may elect to cash out their flex-time for cash due as long as two weeks of notice is given to their employer.
- **To protect against abuses by coercive or unstable businesses, the employee-choice flex-time proposal includes explicit protections against coercion.**
 - **Employees and employers would have a written flex-time agreement.** President Clinton's employee-choice flex-time proposal would also require employees and employers to agree in writing that the worker will receive flex-time -- instead of cash pay -- before the worker performed any overtime work.
 - **Private-sector workers can get cash for their accumulated flex-time within two weeks of notice.** With two or more weeks of notice, a worker in the private sector can cash out their flex-time for cash due.
 - **Protecting workers from businesses that go bankrupt.** To ensure workers receive their accumulated flex-time when their employers seek bankruptcy protections, unpaid flex-time would receive special protection -- the same as given to other wages -- in bankruptcy proceedings. For employees in thinly capitalized businesses, additional protections will be included.

- ▶ **Additional protections to ensure that worker protections:**
 - President Clinton's employee-choice flex-time proposal would not allow unused flex-time to deprive a worker of unemployment compensation that he or she has earned.
 - To ensure protections against coercion, part-time, seasonal, and temporary workers would be exempted from this proposal. The Secretary of Labor would also be able to make recommendations to exclude low-wage workers who are vulnerable to coercion or certain occupations and industries that show a pattern of abuse.
- ▶ **Ability to collect from violators of overtime laws are improved.** President Clinton's employee-choice flex-time proposal improves the Labor Department's ability to collect fines due from violators of overtime laws, including double damages for certain egregious violations. This proposal also imposes civil money penalties for violations of flex-time and for willful or repeated recordkeeping violations.

PRESIDENT CLINTON WILL STRONGLY OPPOSE ANY BILL THAT REDUCES WORKER CHOICE IN THE WORKPLACE. President Clinton will strongly oppose any bill that allows employers to coerce their employees fails to protect true worker choice and fails to guarantee that workers will receive the compensation they are due.



FAX TRANSMITTAL FROM

**THE OFFICE OF THE GENERAL COUNSEL
U.S. OFFICE OF PERSONNEL MANAGEMENT**

TO: Elizabeth Drye

of _____

phone 456-5573 **fax** 456-5581

FROM: Lorraine Lewis

General Counsel

phone 606-1700 **fax** **(202) 606-2609**

DATE: April 7, 1997

TOTAL NUMBER OF PAGES (including cover sheet): 4

COMMENTS:

12:25 pm
Elizabeth, I received your message about speaking to the unions. I understand you are rewriting the Presidential memo, and will share the rewrite with us. I have not yet spoken to Janice, but will see her on the way to Mr. King's 2pm nomination hearing today. I will call you asap ~~as soon as possible~~ upon speaking to her. I have to 41a Document you requested Re.

Expanded Family Friendly Leave Policies

1. Overview of the proposed Family Friendly Workplace Act of 1996.

Note: Title II of the Family and Medical Leave Act of 1993 (FMLA) provides Federal employees with the entitlement to use 12 workweeks of unpaid leave during any 12-month period for purposes related to childbirth, adoption, or a serious health condition of an employee or the employee's spouse, son, daughter, or parent.

Section 4 of the proposed legislation applies to the Federal Government and would add 24 additional hours (3 workdays) for--

- (1) school activities directly related to the educational advancement of a son or daughter;
- (2) routine medical or dental appointments of a son or daughter; and
- (3) routine medical or dental appointments or appointments for other professional services for an elderly relative.

-- "son or daughter" is defined under the existing FMLA legislation.

-- "elderly relative" is a new term defined as an individual at least 60 years of age who is related by blood or marriage to the employee.

-- "school" is a new term defined as an elementary school or secondary school, a Head Start program, and a child care facility licensed under State law (we assume this latter group includes both day-care centers and preschools).

The proposed legislation would entitle an employee to use 24 hours of FMLA leave all at once, intermittently (e.g., 1 hour or 1 day at a time), or on a preplanned reduced leave schedule (e.g., 2 hours every Thursday afternoon for a 3-month period) and to substitute accrued or accumulated annual leave for any part of the 24 hours of unpaid leave.

In cases where the need for leave is foreseeable (e.g., parent-teacher conferences or planned medical appointments), an employee must give 7 days' notice of his or her intent to use FMLA leave, and an agency may require certification of the need for leave.

If an employee has complied with the requirements of the proposed legislation, an agency may not deny an employee's use of leave under the FMLA.

2. How do the family-friendly policies in the proposed legislation compare to current laws and regulations, and how much can be done now by an administrative approach?

Under current laws and regulations, employees may request to use annual leave, leave without pay, compensatory time off, or credit hours under flexible work schedules for any purpose. Although employees may have an entitlement to use some or all of these

flexibilities, they normally must schedule time off from work in advance with their supervisor's permission. (Emergency situations are exceptions.)

Under the Federal Employees Family Friendly Leave Act, most employees are currently entitled to use a total of 40 hours (5 days) of sick leave each year to provide care for a family member who is incapacitated as a result of physical or mental illness, injury, pregnancy, or childbirth; to assist a family member who receives medical, dental, or optical examinations or treatment; or to make arrangements for or attend the funeral of a family member. An employee may use up to an additional 64 hours (8 days) of sick leave for these purposes if he or she maintains 80 hours of sick leave in his or her account. If an employee exhausts his or her entitlement to use sick leave for family care or bereavement purposes, he or she can request to use annual leave or leave without pay for these purposes. In addition, an employee may use sick leave for purposes related to the adoption of a child. Normally, sick leave that is used for routine medical, dental, or optical examinations or for adoption is required to be scheduled in advance. Under an agency's policy, a supervisor may request proper documentation for any requests for sick leave.

The three legislative provisions can be implemented by administrative action now and in a broader manner than under the proposed law. However, the key difference is that currently, the employee has no entitlement to be absent from work for 24 hours for these purposes and to choose the date and time of the absence. We also note that if a broad administrative approach is implemented first, it might appear awkward to implement a law later that is more narrow in scope. Additional comments on each of the three proposals are below.

SCHOOL ACTIVITIES. The proposed law is restricted to matters related to the "educational advancement" of a "son or daughter." Employees who do not have children would not benefit from this proposal. Also, it is unclear if broader school-sponsored activities are covered, such as sports and recreation programs and class plays and trips. These activities are also very important to the development of a child.

ROUTINE MEDICAL AND DENTAL APPOINTMENTS. The proposed law covers "son or daughter" and "elderly relative" and is much more limited than the individuals defined as a "family member" under the current sick leave program. For example, a "family member" includes an employee's spouse and his or her parents; children, including adopted children and their spouses; parents; brothers and sisters, and their spouses; and "any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship." The Family and Medical Leave Act (FMLA), which provides leave without pay entitlements, currently covers spouse, sons or daughters, and parents.

ELDERLY RELATIVES. The proposed law provides time off to care for an "elderly relative," i.e., 60 years and older, for routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes. An administrative approach would provide agencies sufficient flexibility to determine the circumstances in which leave would be appropriate without mandating a specific age limit or requiring a relationship by blood or marriage. Thus, an agency could determine that leave may be appropriate to care for elderly individuals, such as godparents, a former mother-in-law or father-in-law, close friends, and neighbors who may require daily care and assistance or supervision in making arrangements for housing, meals, telephones, banking services, and other similar activities.

3. Should the draft memorandum, "Expanded Family Friendly Leave Policies," be revised?

In many ways, the draft memorandum is broader in scope than the proposed legislation can be because it was based on many existing flexibilities and written to meet the needs of a wide range of Federal employees. For example, it encompasses all flexibilities to use time off, not just FMLA leave without pay. The purposes for which leave may be used and the family members covered are not as limited as under the FMLA program. There is no 7-day scheduling requirement, although in most cases employees would have to schedule their time off under the administrative approach. However, the memorandum cannot provide an entitlement to leave. Only a change in the FMLA legislation can provide that. Therefore, other than updating the memorandum to relate to more recent events, we believe it will continue to meet our original purpose--to encourage agencies and supervisors to be as supportive and flexible as they can to help their employees use existing authorities to meet certain family needs that have been highlighted by this Administration.



Facsimile Transmission

Cover Sheet

URGENT

Human Resources Systems Service
Office of Compensation Policy
Compensation Administration Division

(202) 606-2858 -- Voice Only -- MIKOWICZ

(202) 606-0824 -- FAX Only -- MIKOWICZ

URGENT

TO: ELIZABETH DRYE FAX
9-456-5581

FROM: Lorraine Lewis

SUBJECT: Prcs. Memo - Expanded FMLA

DATE: 4/11/97 PAGES: INCLUDING THIS COVER PAGE
8

COMMENTS: Item

- A- P. 1 - (2) - delete "NOT"
- B- P. 1 - (2) - delete "IN cases"
- C- P. 2 - (3) delete "paid or unpaid"
and insert "leave without pay"
- D- P. 2 - New sentence = Begin with
"In addition," + STRIKE
~~"leave or"~~ before "time off".

E- Revised O's + A's

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Expanded Family and Medical Leave Policies

As you know, I have strongly supported meeting Federal employees' family and medical needs through enactment of the Family and Medical Leave Act of 1993 (FMLA) and the Federal Employees Family Friendly Leave Act of 1994 (FEFFLA). However, Federal employees often have important family and medical needs that do not qualify for unpaid leave under the FMLA or sick leave under the FEFFLA. I ask you to take immediate action to further assist Federal workers in balancing the demands of work and family.

Last year I proposed to expand the Family and Medical Leave Act of 1993. My legislation would allow Federal and eligible private sector workers 24 hours of unpaid leave each year to fulfill certain family obligations. Under the legislation, employees could use unpaid leave, scheduled 7 days in advance, to: participate in school activities directly related to the educational advancement of a child, including early childhood education activities; accompany children to routine medical and dental examinations; and tend to older relative needs.

In furtherance of my proposed policy, I ask that you take immediate action within existing statutory authorities to ensure that employees may schedule and be granted up to 24 hours of ~~annual leave, compensatory time off, credit hours under flexible work schedules, or leave without pay~~ each year for the following activities: ✓

(1) SCHOOL AND EARLY CHILDHOOD EDUCATION ACTIVITIES — to allow employees to participate in school activities directly related to the educational advancement of a child. This would include parent-teacher conferences or meetings with child-care providers, interviewing for a new school or child-care facility, or participating in volunteer activities supporting the child's education advancement. In this memorandum, "school" refers to an elementary school, secondary school, Head Start program, or a child-care facility.

(2) ROUTINE FAMILY MEDICAL PURPOSES — to allow parents to accompany children to routine medical or dental appointments, such as annual checkups or vaccinations. ✓ Although these activities are not currently covered by the FMLA, the FEFFLA does not permit employees to use up to 13 days of sick leave each year for such purposes. ✓ Agencies should assure that employees are able to use up to 24 hours of ~~annual leave, compensatory time off, credit hours, or leave without pay~~ for these purposes. ✓ ~~when no additional sick leave is available to employees.~~

(A) "not" comes out.

(B) "in cases" comes out.

(3) ELDERLY RELATIVES' HEALTH NEEDS -- to allow employees to accompany an elderly relative to routine medical appointments or other professional services related to the care of the elderly relative, such as making arrangement for housing, meals, phones, banking services, and other similar activities. Although Federal employees can use unpaid leave or sick leave for some of these activities under the FMLA or FFEPLA, such as caring for a parent with a serious health condition or taking an elderly relative to a routine medical visit, agencies should ensure employees can use up to 24 hours of ~~paid leave~~ for this broader range of activities related to elderly relatives' health needs.

(C)
leave
without
pay

This new policy will assure that employees can schedule and receive up to 24 hours away from the job each year for these family and medical circumstances. I also urge you to accommodate these employee needs as mission requirements permit even when it is not possible for employees to anticipate or schedule leave in advance for these purposes. The Office of Personnel Management shall provide guidance to you on the implementation of this memorandum.

I encourage you to use a partnership approach with your employees and their representatives in developing an effective program that balances the employees' needs to succeed both at work and at home. I ask agencies, unions, and management associations to continue to work together to assess and improve the use of family-friendly programs and to make certain that employees are aware of the expanded family and medical leave policy.

(D.)

add: "In addition,"

a leave or
comes
out.

In addition,

I ask that you support

employees' requests to
schedule paid ~~time off~~ time off --

Such as annual leave, compensatory
time off, and credit hours
under flexible work schedules --
for these family activities when

Such options are
available to the employee.

April 11, 1997 (a.m.)

EXPANDED FAMILY FRIENDLY LEAVE POLICIES

(Questions and Answers for the White House Press)

1. Why is the President issuing this memorandum?
 - o The President is asking Federal agencies to better assist employees in meeting their work and family demands. He is asking agencies to implement--using their administrative authority--his proposal to expand the Family and Medical Leave Act of 1993 (FMLA).
 - o The President is urging agencies to ensure that employees may schedule and be granted up to 24 hours of leave without pay for three purposes:
 - (1) to participate in school activities directly related to the educational advancement of a child;
 - (2) to accompany their children to routine medical or dental appointments; and
 - (3) to accompany their elderly relatives to routine medical or dental appointments or other professional services.
2. Does this really change anything for Federal employees?
 - o Supervisors have discretionary authority to grant employees time off for the purposes mentioned in the President's memorandum. The memorandum is important because it asks agencies and their managers and supervisors to exercise their discretion on a routine basis--to the fullest extent possible--to help employees meet their family demands. The memorandum will raise the level of commitment among agencies--and front line supervisors--to establish and maintain a family friendly work environment.
3. Will the President's April 12 memorandum make a real difference?
 - o The President's memorandum sends a strong signal to agencies and supervisors to support and encourage family friendly leave policies. The memorandum is expected to ensure that more time off is granted for these purposes. It will serve to make supervisors more sensitive to employees' needs and enhance the ability of employees to take time off to participate in children's education, elderly relatives' health needs, and routine family medical appointments. The expanded family friendly leave policies help working families who often have to care for children,

parents, or elderly relatives in circumstances in which they cannot use leave under the Family and Medical Leave Act or the Federal Employees Family Friendly Leave Act.

4. Didn't the President already issue a memorandum on "Implementing Federal Family Friendly Work Arrangements" on June 21, 1996? What's new here?

- o In June 1996, the President directed agencies to review their personnel practices and develop a plan of action to use existing flexibilities and, to the extent feasible, expand their family friendly work arrangements. Since then, agencies have continued to develop and strengthen these work arrangements.
- o The current memorandum is the latest building block in a series of initiatives that is intended to further strengthen the Government's family friendly working environment.
- o The current memorandum is important because it asks agencies to communicate their support and encouragement of these family friendly activities to the fullest extent possible, and it reinforces the kind of flexibilities the President expects to be applied in all Federal agencies.

5. Didn't the President already propose legislation to address these needs?

- o In September 1996, the President proposed the "Family Friendly Workplace Act of 1996" to Congress to expand the Family and Medical Leave Act of 1993 (FMLA). The proposed legislation would entitle Federal and private sector employees to up to 24 hours of unpaid leave each year to fulfill certain family obligations, such as participating in school activities, accompanying their children to doctor's appointments, and tending to elderly relatives' needs.
- o Today the President asked Congress to pass this legislation.

6. Does the President's memorandum differ from the September 1996 legislative proposal?

- o The key difference now is that in his memorandum, the President has asked agency heads to take immediate action to use their existing authorities to ensure that employees may schedule and be granted leave without pay for these purposes. This is in addition to the forms of paid leave -- such as annual leave, compensatory time off, and credit hours -- an employee may utilize for these purposes.
- o The proposed legislation, the Family Friendly Workplace Act, would entitle an employee to use an additional 24 hours of unpaid leave under the Family and

Medical Leave Act for the three purposes. Federal employees will not have a formal legal right to time off until the legislation is enacted.

7. Are employees entitled to use leave under the President's expanded family friendly leave policies?
 - o The President's proposed legislation would give Federal employees the legal right to take 24 hours of unpaid leave under the FMLA to participate in school activities; accompany their children to routine appointments, including well-child visits; and to take elderly relatives to medical appointments or other professional services. Currently, an employee has no entitlement to leave without pay for the purposes outlined in the President's memorandum. The President's memorandum is designed to support and encourage agencies and their managers to use their existing authorities to permit employees to take up to 24 hours of leave without pay for these purposes.
8. Are agencies required to grant employees leave or other time off for these family friendly purposes?
 - o Each request for leave should continue to be evaluated in terms of whether the employee's services are required or can be spared during the time period covered by the leave request. The intent of the President's memorandum is to grant employees leave for these purposes unless circumstances exist that would severely limit an agency's ability to accomplish its mission.
9. Can't Federal employees already use sick leave for routine medical appointments (e.g., "well child visits")?
 - o Yes. Federal employees may use sick leave for family care, including taking children to routine medical appointments. However, the use of sick leave for family care is limited for most employees to a total of 13 days each year. (Employees who do not maintain a balance of at least 80 hours of sick leave in their account may not use the total of 13 days.) Approving the use of up to 24 hours of leave without pay for routine medical appointments will help newer employees with low sick leave balances, as well as employees who have exhausted their entitlement to use sick leave for family care as a result of coping with their own illness or that of family members.
10. Does an employee have to schedule the leave in advance?
 - o Where the need for leave is foreseeable (e.g., a scheduled parent-teacher conference or medical appointment), an employee should give 7 days' notice of his or her intent to use leave without pay for the purposes outlined in the



President's memorandum. If the need for leave is not foreseeable, the agency may require that the employee provide such notice as is practicable.

11. Does this memorandum mean, in effect, that an employee is limited to only 24 hours of leave without pay each year for these purposes?
 - o No. The President's memorandum encourages agencies to provide up to 24 hours of leave without pay each year for these purposes. However, this does not limit or prohibit an employee from requesting and receiving additional leave or other time off for school activities, routine family medical purposes, and elderly relatives' health needs. These needs can be met through the use of annual leave, compensatory time off, or credit hours.
12. Can employees use the 24 hours of leave without pay intermittently (i.e., 1 hour or 1 day at a time)?
 - o Yes. An employee may use the 24 hours of expanded family friendly leave without pay in the same increments as all other leave is granted by his or her agency.
13. Why does the President's memorandum limit this benefit to Federal employees?
 - o We would like to see private sector employers follow the lead of the Federal Government and join us in extending this needed benefit. However, legislation is needed to require private sector employers to do this.
14. What is "leave without pay?"
 - o "Leave without pay" is an approved absence from duty in a nonpay status. Agencies have discretionary authority to approve leave without pay. Employees are not entitled to leave without pay as a matter of right.
15. What is "annual leave?"
 - o "Annual leave" is a paid absence from duty that is intended to allow Federal employees to have time off from the job for vacations, as well as time off for any other purpose, including personal and business reasons and emergencies. An employee has a right to take annual leave, but it is the right of the agency or supervisor to approve when the leave may be taken.
16. What is "compensatory time off?"
 - o "Compensatory time off" is time off with pay in exchange for performing

approved overtime work. For Federal employees, 1 hour of compensatory time off is earned for each hour of overtime work performed.

17. What are "credit hours?"

- o "Credit hours" are hours during which the employee elects to work in excess of his or her normal work schedule so that he or she may later use those hours to reduce normal work requirements for a particular workday or workweek. Credit hours can only be earned under a flexible work schedule, which is a discretionary agency work arrangement. Under flexible work schedules, agencies may permit employees to carry over up to 24 credit hours from one pay period to another for future use.

18. What is the difference between "compensatory time off" and "credit hours?"

- o Compensatory time off is available for almost all employees. Credit hours are only available to employees on flexible work schedules. Unlike compensatory time off, credit hours cannot be converted into overtime pay and the employee is limited to carrying over no more than 24 credit hours from one pay period to the next. Unlike compensatory time off, credit hours cannot be converted into overtime pay and the employee is limited to carrying over no more than 24 credit hours from one pay period to the next.

19. Why doesn't the President's memorandum permit employees to earn compensatory time at a rate of time and a half?

- o Currently, the law restricts compensatory time off for Federal workers to an "equal amount of time" off for the overtime work performed. A change in law would be required in order to permit employees to earn compensatory time off at the rate of one and one-half hours off for each hour worked.

To the Congress of the United States:

I am pleased to transmit today for consideration and passage the "Family-Friendly Workplace Act of 1996." Also transmitted is a section-by-section analysis. This legislative proposal is vital to American workers, offering them a meaningful and flexible opportunity to balance successfully their work and family responsibilities.

The legislation would offer workers more choice and flexibility in finding ways to earn the wages they need to support their families while also spending valuable time with their families. In particular, the legislation would allow eligible employees who work overtime to receive compensatory time off—with a limit of up to 80 hours per year—in lieu of monetary compensation. In addition, the legislation contains explicit protections against coercion by employers and abuses by unstable or unscrupulous businesses.

The legislation also would amend the Family and Medical Leave Act of 1993. This statute currently allows eligible workers at businesses with 50 or more employees to take up to 12 weeks of unpaid, job-protected leave to care for a newborn child, attend to their own serious health needs, or care for a seriously ill parent, child, or spouse. Although enactment of this statute was a major step forward in helping families balance work and family obligations, the law does not address many situations that working families typically confront. The enclosed legislation would cover more of these situations, thereby enhancing workers' ability to balance their need to care for their children and elderly relatives without sacrificing their employment obligations. Under the expanded law, workers could take up to 24 hours of unpaid leave each year to fulfill additional, specified family obligations, which would include participating in school activities that relate directly to the academic advancement of their children, accompanying children or elderly relatives to routine medical appointments, and attending to other health or care needs of elderly relatives.

I urge the Congress to give this legislation favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 27, 1996.

President Clinton Announces New Family-Friendly Workplace Proposals

- ✓ Expanded Family & Medical Leave**
- ✓ Employee-Choice Flex-Time**

June 24, 1996

***Nashville Family Reunion Conference Hosted By
Vice President Al Gore***

**PRESIDENT CLINTON ANNOUNCES NEW
FAMILY-FRIENDLY WORKPLACE PROPOSALS:**

- ☐ **EXPANDED FAMILY & MEDICAL LEAVE**
- ☐ **EMPLOYEE-CHOICE FLEX-TIME**

NEW EXPANSION OF FAMILY AND MEDICAL LEAVE: *President Clinton's new proposal would deepen and expand Family Leave by allowing a worker to take unpaid hours off -- with a maximum of 24 hours a year -- for child education, older relatives' health needs, and routine family medical purposes.*

Current Family and Medical Leave Law. The FMLA helps families only with a medical crisis or special limited care-giving needs, such as a birth or adoption. But working families often have to care for children or parents in circumstances for which they cannot use Family and Medical Leave.

New Family And Medical Leave Procedures. FMLA expansion would be limited to 24 hours a year for the following specific purposes:

- **SCHOOL ACTIVITIES.** Participating in school activities directly related to the educational advancement of your child, such as parent-teacher conferences or interviewing for a new school;
- **ROUTINE FAMILY MEDICAL PURPOSES.** Accompanying your child to routine dental or medical appointments, such as annual checkups or vaccinations;
- **OLDER RELATIVES' HEALTH NEEDS.** Accompanying an elderly relative to routine medical appointments or other professional services related to the care of the elderly relative, such as interviewing nursing homes or group homes.

NEW EMPLOYEE-CHOICE FLEX-TIME: *President Clinton's new proposal would offer American workers more choice and flexibility in finding ways both to earn the wages they need to support their families and still find the time they need to be with them. The President's proposal would:*

- **EMPLOYEE CHOICE.** Allows employees to agree with their employers to work overtime in exchange for paid time-off -- flex-time -- with a limit of up to 80 hours. An hour of overtime could thus be used for 1-and-1/2-hours of overtime pay or 1-and-1/2 hours of flex-time.
- **FLEX-TIME FOR ANY PURPOSE WITH 2 WEEKS NOTICE.** Workers could use their earned flex-time for any reason -- as long as they give their employers 2 weeks notice.
- **EMPLOYEES CAN ALWAYS CHOOSE PAY OVER FLEX-TIME.** Workers would maintain the right to choose overtime pay, and even if they choose flex-time, they could still cash out any portion of their flex-time pay with two weeks notice.
- **FLEX-TIME FOR FAMILY LEAVE.** Employees can use their accumulated family flex-time for family leave purposes at any time.

OPPOSE ATTEMPTS TO REDUCE WORKER CHOICE: *In announcing these new family-workplace proposals, President Clinton made clear that he would oppose any bill that allows for coercion and uses phrases like "comp-time" as a cover for giving workers less choice in the workplace.*

**PRESIDENT CLINTON ANNOUNCES NEW
FAMILY-FRIENDLY WORKPLACE PROPOSALS:**

- ☐ **EXPANDED FAMILY & MEDICAL LEAVE**
- ☐ **EMPLOYEE-CHOICE FLEX-TIME**

BACKGROUND MATERIALS

	<u>Page</u>
✓ New Family Medical Leave Expansion	1
✓ New Employee-Choice Flex-Time	2-3
✓ Comparison with Rep. Ballenger's "Comp-Time" Proposal	4-5
✓ How The President's New Proposals Would Help Typical Families	6-8

**EXPANDING THE FAMILY AND MEDICAL LEAVE ACT --
TO HELP FAMILIES BALANCE WORK AND FAMILY RESPONSIBILITIES**

June 24, 1996

"Family and medical leave is a matter of pure common sense and a matter of common decency. It will provide Americans what they need most: peace of mind. Never again will parents have to fear losing their jobs because of their families."

-- President Clinton at the signing of the Family and Medical Leave Act, February 5, 1993

PRESIDENT CLINTON DELIVERED ON HIS PROMISE TO PROVIDE FAMILY

LEAVE: In his first month in office, President Clinton delivered on his promise and signed the Family and Medical Leave Act of 1993 into law. The law allows workers at businesses with 50 or more employees to take up to 12 weeks of unpaid, job-protected leave to care for a newborn or adopted child, to attend to their own serious health needs, or to care for a seriously ill parent, child or spouse.

NEW BIPARTISAN REPORT SHOWS THE LAW IS WORKING: The recent report on the impact of the law by the bipartisan Commission on Leave -- chaired by Senators Dodd and Craig -- shows that the law is working:

- **67 million Americans -- over half of workers -- are guaranteed they can take leave** from their job to care for a sick relative or a newborn child without fear of losing their job or their health insurance.
- **More than 12 million eligible workers have taken leave since its enactment.**
- **40% of all workers think they will need to take leave for a covered reason** at some time in the next 5 years. The leading reason is to care for a seriously ill parent.
- **Despite opponents' claims, compliance is easy and costs low for most employers:**
 - 9 in 10 employers find the law "very" or "somewhat" easy to administer
 - Compliance entails either little or no costs for 89%-99% of businesses
 - Smaller covered worksites found it easier to comply than the larger sites.
- **Some businesses have reported reduced employee turnover, enhanced productivity** and improved morale which they attribute to the Act.

NOW IT IS TIME TO EXPAND THE LAW TO BETTER HELP WORKERS CARE FOR THEIR CHILDREN AND PARENTS. While the law is a major step forward, it does not cover many situations facing working families. Today, President Clinton proposed expanding the law to cover more family obligations to better help working families care for their children and elderly relatives without sacrificing their work obligations. Under the proposed expansion, workers could take up to 24 hours of leave each year to meet additional specified family obligations, including routine doctors appointments and parent-teacher conferences. Leave could be taken for the following purposes:

- **Participating in school activities** directly related to the educational advancement of your child, such as parent-teacher conferences or interviewing for a new school;
- **Accompanying your child to routine dental or medical appointments**, such as annual checkups or vaccinations;
- **Accompanying an elderly relative to routine medical appointments or other professional services** related to their care, such as interviewing nursing homes or group homes.

PRESIDENT CLINTON'S NEW EMPLOYEE-CHOICE FLEX-TIME PROPOSAL

TODAY, PRESIDENT CLINTON ANNOUNCES A NEW EMPLOYEE-CHOICE FLEX-TIME PROPOSAL. President Clinton's employee-choice flex-time proposal would help to make workplaces more family friendly by ensuring worker flexibility while guarding against abuses by coercive or unstable businesses -- with explicit protections against coercion. President Clinton's proposal would allow more Americans to have the time they need to fulfill their responsibilities as both workers and as parents or grown children of elderly relatives.

- **Workers could agree with their employers to receive extra paid time-off -- "flex-time" -- instead of working overtime for cash pay.** Consistent with existing law, workers would get time-and-a-half in flex-time -- extra paid time-off -- for each hour of overtime. There would be a limit of 80 hours that a worker could accumulate in flex-time. And all additional overtime work -- beyond the limit -- would have to be paid in cash.
- **Employees can choose to use their flex-time for family and medical leave purposes whenever they need it.** At any time, workers can use their flex-time for family and medical leave purposes -- to care for a new born or adopted child, to attend to their own serious health needs, or to care for a seriously ill child, parent, spouse.
- **Workers maintain ultimate control of when to use flex-time, as long as they provide two weeks notice to their employers.** Employees can use flex-time for any purpose as long as the worker gives at least two weeks of notice to his or her employer, or with less notice if the employer's operations are not unduly disrupted. Private-sector employees may elect to cash out their flex-time for cash due as long as two weeks of notice is given to their employer.
- **To protect against abuses by coercive or unstable businesses, the employee-choice flex-time proposal includes explicit protections against coercion.**
 - ▶ **Employees and employers would have a written flex-time agreement.** President Clinton's employee-choice flex-time proposal would also require employees and employers to agree in writing that the worker will receive flex-time -- instead of cash pay -- before the worker performed any overtime work.
 - ▶ **Private-sector workers can get cash for their accumulated flex-time within two weeks of notice.** With two or more weeks of notice, a worker in the private sector can cash out their flex-time for cash due.
 - ▶ **Protecting workers from businesses that go bankrupt.** To ensure workers receive their accumulated flex-time when their employers seek bankruptcy protections, unpaid flex-time would receive special protection -- the same as given to other wages -- in bankruptcy proceedings. For employees in thinly capitalized businesses, additional protections will be included.

- ▶ **Additional protections to ensure that worker protections:**
 - President Clinton's employee-choice flex-time proposal would not allow unused flex-time to deprive a worker of unemployment compensation that he or she has earned.
 - To ensure protections against coercion, part-time, seasonal, and temporary workers would be exempted from this proposal. The Secretary of Labor would also be able to make recommendations to exclude low-wage workers who are vulnerable to coercion or certain occupations and industries that show a pattern of abuse.
- ▶ **Ability to collect from violators of overtime laws are improved.** President Clinton's employee-choice flex-time proposal improves the Labor Department's ability to collect fines due from violators of overtime laws, including double damages for certain egregious violations. This proposal also imposes civil money penalties for violations of flex-time and for willful or repeated recordkeeping violations.

PRESIDENT CLINTON WILL STRONGLY OPPOSE ANY BILL THAT REDUCES WORKER CHOICE IN THE WORKPLACE. President Clinton will strongly oppose any bill that allows employers to coerce their employees fails to protect true worker choice and fails to guarantee that workers will receive the compensation they are due.

**COMPARISON OF PRESIDENT CLINTON'S EMPLOYEE-CHOICE FLEX-TIME PROPOSAL
AND
REPRESENTATIVE BALLENGER'S COMP-TIME PROPOSAL**

	PRESIDENT CLINTON'S EMPLOYEE-CHOICE FLEX-TIME PROPOSAL	REPRESENTATIVE BALLENGER'S COMP-TIME PROPOSAL
WRITTEN AGREEMENT	To provide true employee choice, employees and employers must agree in writing that compensation will be provided as flex-time rather than as overtime wages.	No written agreement is necessary -- only an understanding.
FLEX-TIME FOR FAMILY AND MEDICAL LEAVE PURPOSES	Employees may use flex-time for family and medical leave whenever they need it.	No comparable provision.
USE OF FLEX-TIME	Employees maintain ultimate control of when to use flex-time, as long as they provide two weeks notice to their employers. Workers can use flex-time for any other purpose as long as they provide two or more weeks of notice. They receive flex-time with less notice, but only if the employer is not unduly disrupted.	Employers maintain ultimate control of when to grant their workers flex-time. Regardless of the amount of notice the worker provides, employers can deny use of comp-time if the firm claims they would be "unduly disrupted."
PAYOUT OF FLEX-TIME	Private-sector employees may elect to cash out their flex-time for cash due with at least two weeks of notice to their employer.	Rather than ensuring payout within two weeks as the President's proposal, private-sector employers would have up to 30 days to payout the cash due for accumulated flex-time.
FLEX-TIME BANK	Private-sector workers can accumulate flex-time for overtime worked (at a rate of time and a half) in a "Flex-time Bank." There would be a limit of 80 hours that a worker could accumulate in flex-time. All additional overtime work must be compensated in cash.	Employees can accumulate up to 240 hours of comp-time.

BANKRUPTCY PROTECTION	To ensure workers receive their flex-time when firms enter into bankruptcy, unpaid flex-time would receive special protection -- the same as given to wages -- in bankruptcy proceedings. For employees in thinly capitalized businesses, additional protections will be included.	No comparable provisions.
ENFORCEMENT PROVISIONS	Improves remedies against violators, including double damages for overtime that an employee would have earned, but was not permitted to work because the worker wanted to earn pay rather than flex-time. Civil money penalties for violations of flex-time and for willful or repeated recordkeeping violations.	Double damages only for willful violations of anti-coercion provisions. Civil money penalties only for willful violations.
TREATMENT OF FLEX-TIME AS WAGES AND HOURS WORKED	Unused flex-time cannot be used to deprive a worker of unemployment compensation that he or she has earned. Flex-time pay-outs are treated as wages for health and pension benefit plans. Flex-time used is also treated as hours worked for overtime accrual purposes.	No comparable provisions on unemployment compensation or benefit plans. Comp-time used is not treated as hours worked.
EXEMPTIONS FOR VULNERABLE SECTORS	To ensure protections against coercion, part-time, seasonal, and temporary workers would be exempted from this proposal. The Secretary of Labor would also be able to make recommendations to exclude low-wage workers who are vulnerable to coercion or certain occupations and industries that show a pattern of abuse.	No comparable provisions.
SUNSET	Flex-time provision expires in four years. Bipartisan Commission will study and report to the Secretary of Labor and Congress prior to sunset.	No comparable provision.

HOW THE PRESIDENT'S FAMILY-FRIENDLY PROPOSALS WOULD AFFECT TYPICAL FAMILIES

NOTE: These hypothetical examples illustrate how the President's proposal compares with current law and the Ballenger bill to create "comp-time." All of these examples assume the adoption of some proposal allowing the accumulation of flex-time or "comp-time" in lieu of time-and-one-half pay for overtime.

1. **Expanded Family And Medical Leave For Child Education Purposes.** Jane Smith works for XYZ Inc. She has a conference scheduled with her daughter's teacher for three weeks from today and needs four hours of time off to travel to and from the school and meet with the teacher. Jane is willing to take unpaid leave.
 - ✓ Under the President's proposal, Jane can take unpaid leave to attend the parent-teacher conference.
 - ☒ Under current law, Jane is not assured she can take unpaid leave to attend the parent-teacher conference.
 - ☒ Under the Ballenger bill, Jane is not assured she can take unpaid leave to attend the parent-teacher conference.

2. **Expanded Family And Medical Leave For Caring For Older Relative.** While Jane Smith is tending to her daughter's educational needs, Jane's husband John needs to help move his grandfather from one nursing home to another. John will need 4 hours time-off in order to do this. Because he is very involved with his family, John has not worked any overtime this year and does not have any accumulated flex-time. Thus, he would like to use unpaid family and medical leave to take his son to the doctor.
 - ✓ Under the President's proposal, John can take unpaid family and medical leave to move his grandfather from one nursing home to another.
 - ☒ Under current law, John cannot use family and medical leave to help move his grandfather from one nursing home to another.
 - ☒ Under the Ballenger bill, John cannot use family and medical leave to help move his grandfather from one nursing home to another.

3. **Employer-Imposed "Comp-Time."** Bill Johnson and his family live on a very tight budget. The time-and-one-half pay Bill receives for the 10 hours of overtime he works each month provides just enough money to pay the mortgage on his family's house. In his latest paycheck, Bill's employer inexplicably did not include any pay for his overtime work. When Bill complains, his boss explains that this is the new "comp-time" program and from now on Bill will get extra time off in return for his overtime. Bill fears he will not be able to make ends meet. He doesn't remember agreeing to accept "comp-time."

- ✓ Under the President's proposal, Bill and his employer would have to had agreed in writing prior to the overtime that he would accept flex-time instead of time-and-one-half pay. Otherwise, Bill must be paid his time-and-one-half in cash.
- ✓ Under current law, Bill would have to be paid time-and-one-half in cash for the overtime he worked.
- ☒ Under the Ballenger bill, the employer could say that he had a verbal agreement with Bill to give him "comp-time." That makes it Bill's word against his employer's word.

4. **Flex-Time For Planned Family Needs.** Ann's husband Bill has a heart condition and will require heart surgery within the next few weeks. Ann wants to spend time with Bill after the surgery to help care for him. Her family's growing financial worries make it vital that Ann be able to use her accumulated flex-time to be with her husband without losing a day's pay. Ann and Bill scheduled the surgery three weeks in advance and Ann gave her employer two-weeks notice. Two days before the surgery, Ann's employer ZYX Co. decides to change their production schedule. In their view, Ann's absence will "unduly disrupt" the workplace operations.

- ✓ Under the President's proposal, Ann can use her accumulated flextime to be with her husband without losing pay -- as long as she gives two-weeks notice.
- ☒ Under current law, Ann is assured only of unpaid family and medical leave time.
- ☒ Under the Ballenger bill, Ann cannot use her accumulated "comp time" if it will "unduly disrupt" her employer's operations. ZYX Co. can force her to take unpaid leave to be with her husband in the hospital.

5. **Protection of Unemployment Benefits.** Al Jones is a construction worker who got laid off from Builders Inc. after it finished its latest project. He worked enough overtime to accumulate 80 hours of accrued flex-time. Now, he wants to collect the unemployment benefits he usually gets when his employer lays him off. This time, however, Builders Inc. challenged Al's eligibility for unemployment insurance on the grounds that he is still "working" because he is getting paid for his accumulated flextime.

- ✓ Under the President's proposal, Al is explicitly protected from this type of challenge. If he's otherwise eligible, Al should get his unemployment insurance.
- ☒ Under the Ballenger bill, Al is not explicitly protected from this challenge to his unemployment insurance eligibility.

The final package
cc John F 12/31/96
Rick
Lipky
Rae

**PROPOSED LEGISLATION:
"FAMILY-FRIENDLY WORKPLACE ACT OF 1996"**

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

**A DRAFT OF PROPOSED LEGISLATION ENTITLED, "FAMILY-
FRIENDLY WORKPLACE ACT OF 1996"**



**SEPTEMBER 27, 1996.—Message and accompanying papers referred to the
Committee on Economic and Educational Opportunities and ordered to
be printed**

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1996

29-011

To the Congress of the United States:

I am pleased to transmit today for consideration and passage the "Family-Friendly Workplace Act of 1996." Also transmitted is a section-by-section analysis. This legislative proposal is vital to American workers, offering them a meaningful and flexible opportunity to balance successfully their work and family responsibilities.

The legislation would offer workers more choice and flexibility in finding ways to earn the wages they need to support their families while also spending valuable time with their families. In particular, the legislation would allow eligible employees who work overtime to receive compensatory time off—with a limit of up to 80 hours per year—in lieu of monetary compensation. In addition, the legislation contains explicit protections against coercion by employers and abuses by unstable or unscrupulous businesses.

The legislation also would amend the Family and Medical Leave Act of 1993. This statute currently allows eligible workers at businesses with 50 or more employees to take up to 12 weeks of unpaid, job-protected leave to care for a newborn child, attend to their own serious health needs, or care for a seriously ill parent, child, or spouse. Although enactment of this statute was a major step forward in helping families balance work and family obligations, the law does not address many situations that working families typically confront. The enclosed legislation would cover more of these situations, thereby enhancing workers' ability to balance their need to care for their children and elderly relatives without sacrificing their employment obligations. Under the expanded law, workers could take up to 24 hours of unpaid leave each year to fulfill additional, specified family obligations, which would include participating in school activities that relate directly to the academic advancement of their children, accompanying children or elderly relatives to routine medical appointments, and attending to other health or care needs of elderly relatives.

I urge the Congress to give this legislation favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 27, 1996.

○

SECTION-BY-SECTION ANALYSIS
"FAMILY-FRIENDLY WORKPLACE ACT OF 1996"

SECTION 1. SHORT TITLE.

TITLE I--COMPENSATORY TIME

SECTION 101. IN GENERAL.

Section 101 adds the following subsections to section 7 of the Fair Labor Standards Act:

Subsection 7(r)(1) to allow compensatory time in lieu of paid overtime compensation in the private sector, except for temporary, part-time and seasonal workers, and employees in the garment industry.

Subsection 7(r)(2) to restrict the availability of compensatory time to those employers that (1) have a written agreement with an employee representative, or (2) where there is no such representative, establish a written plan that provides employees with a voluntary option to receive compensatory time upon written request by the employee prior to performing the overtime work. Also, an employer may only offer compensatory time if acceptance of compensatory time is not a condition of employment and if it offers compensatory time to similarly-situated employees on an equal basis.

Subsection 7(r)(3)(A) to limit the total amount of compensatory time that can be earned by employees to 80 hours per year. The employer shall regularly report to the employee the number of compensatory hours earned and used.

Subsection 7(r)(3)(B) to allow employees to receive cash for their earned compensatory time 15 days after they request it, at their regular rate when earned or when cashed out, whichever is higher (the "cash out" rate).

Subsection 7(r)(3)(C) to require employers to cash out each employee's earned compensatory time for the preceding calendar year at the cash out rate not later than January 31 of each year (or 31 days after an alternative 12-month period), although an employee may request in writing not to receive this end-of-year payout.

Subsection 7(r)(3)(D) to grant the Secretary the authority to issue rules to restrict the availability and use of compensatory time by occupation or industry.

Subsection 7(r)(4) to provide that any employee who terminates employment, voluntarily or involuntarily, shall have earned compensatory time paid at the cash out rate. This provision also prohibits such cashing out from being used by the employer to oppose an employee's application for unemployment

compensation or being used by a State to deny or diminish the employee's entitlement to unemployment compensation.

Subsection 7(r)(5) to set forth the following circumstances under which an employee may use earned compensatory time: (1) for any reason that would qualify for leave under the Family and Medical Leave Act or comparable State law; (2) for any other purpose (a) upon at least two weeks notice, unless use of the compensatory time would likely cause substantial and grievous injury to the employer's operations or (b) upon less than two weeks notice, unless the employee's use of the compensatory time would unduly disrupt the operations of the employer. Also, an employee's use of compensatory time may not be substituted by the employer for any other leave to which the employee is or would be entitled, or has or would have earned.

Subsection 7(r)(6) to prohibit an employer from requiring an employee to use earned compensatory time.

Subsection 7(r)(7) to provide that monetary compensation received for cashing out earned compensatory time shall be treated as compensation for hours worked for purposes of calculating entitlement to employee benefits, and that use of earned compensatory time shall be treated as hours worked for purposes of overtime and calculating entitlement to employee benefits.

Subsection 7(r)(8) to provide that an employer may terminate or modify a compensatory time plan only upon 60 days notice to employees.

Subsection 7(r)(9) to provide that an employer may not pay monetary compensation in lieu of earned compensatory time except as expressly provided in this subsection.

Subsection 7(r)(10) to make it an unlawful act of discrimination under Section 15(a)(3) of the FLSA for an employer to (1) discriminate against an employee who may refuse or has refused to request or accept compensatory time in lieu of cash overtime or may request to use or has used compensatory time in lieu of cash overtime; (2) request an employee to accept compensatory time in lieu of cash overtime, require an employee to request compensatory time as a condition of employment, or qualify the availability of overtime work on a request for or acceptance of compensatory time; or (3) deny an employee the right to use or force an employee to use earned compensatory time.

Subsection 7(r)(11) to state that any employer that violates any provision of subsection 7(r) shall be liable, in a suit brought by an employee under Section 16(b) or the Secretary under Section 16(c), for wages and liquidated damages and such other

legal or equitable relief as may be appropriate.

Subsection 7(r)(12) to provide that for purposes of bankruptcy, the value of earned compensatory time shall be treated as wages earned when cash out was due.

Subsection 7(r)(13) to provide definitions for the terms "overtime compensation," "compensatory time and compensatory time off," "part-time, temporary or seasonal employees" (including in agriculture and the construction industry), and "overtime assignment."

Subsection 7(r)(14) to grant the Secretary rulemaking authority, including issuing rules on recordkeeping, the contents of employer plans and employee notification.

Sec. 102. CIVIL MONEY PENALTIES.

Subsection 16(a) of the FLSA is amended to provide that civil money penalties not to exceed \$1000 per violation would be available for any violation of Sections 6, 7 or 11(c) of the FLSA.

Sec. 103. CONSTRUCTION.

Section 18 of the FLSA is amended to provide that no provision of this Act shall be construed to: (1) supersede any State laws that provide greater protection to employees provided compensatory time; (2) diminish the obligation of an employer to comply with a collective bargaining agreement or benefit plan that provides greater protection to employees provided compensatory time; or (3) discourage employers from adopting or retaining compensatory time plans that provide more protection to employees.

Sec. 104. COMMISSION ON WORKPLACE FLEXIBILITY.

Section 104 establishes a Commission on Workplace Flexibility to conduct a study of the impact of this section of the Act on employees, including vulnerable workers, and to submit a report to Congress and the Secretary of Labor not later than one year before the expiration of the Act.

Sec. 105. EFFECTIVE DATES.

Subsection 105(a). The provisions of TITLE I are effective on January 1, 1997.

Subsection 105(b). The provisions of TITLE I expire four years after enactment.

TITLE II--PARENTAL INVOLVEMENT AND ELDER-CARE LEAVE

Sec. 281. GENERAL REQUIREMENTS FOR LEAVE.

Section 201 amends the Family and Medical Leave Act (FMLA) of 1993, with respect to non-Federal workplaces, as follows:

(a) LEAVE REQUIREMENT.

Section 102(a)(1)(A) to allow eligible employees a total of 24 hours of unpaid "Parental Involvement and Elder-Care Leave" during any 12-month period to:

(i) participate in school activities directly related to their child's educational advancement, such as parent-teacher conferences; (ii) accompany their child to routine medical appointments; and (iii) accompany their elderly relative to appointments for routine medical services or other professional services related to the elder's care.

Section 102(a)(1)(B) to define the terms "school" and "elderly relative."

(b) SCHEDULE.

Section 102(b)(1) is amended by adding that the expanded leave entitlements provided under subsection 102(a)(3) may be taken intermittently or on a reduced leave schedule.

(c) SUBSTITUTION OF PAID LEAVE.

Section 102(d)(2)(A) is amended by adding that an employee may elect to substitute, or an employer may require the employee to substitute, the employee's accrued paid vacation, personal or family leave for the expanded leave entitlements provided under subsection 102(a)(3). *

(d) NOTICE.

Section 102(a)(3) provides notice requirements for the expanded leave entitlements provided under subsection 102(a)(3): at least 7 days if the need for leave is foreseeable; as soon as practicable if not foreseeable.

(e) CERTIFICATION.

Section 101(f) provides that an employer may require an employee to submit a certification in support of a request for the expanded leave entitlements provided under subsection 102(a)(3).

SECTION 202. LEAVE FOR CIVIL SERVICE EMPLOYEES.

Section 202 amends the codification of FMLA in Title 5 of the United States Code, with respect to Federal workplaces, as follows:

(a) LEAVE REQUIREMENT.

Section 6382(a)(3)(A) to allow civil service employees a total of 24 hours of unpaid "Parental Involvement and Elder-Care Leave" during any 12-month period to:

(i) participate in school activities directly related to their child's educational advancement, such as parent-teacher conferences; (ii) accompany their child to routine medical appointments; and (iii) accompany their elderly relative to appointments for routine medical services or other professional services related to the elder's care.

Section 6382(a)(3)(B) to define the terms "school" and "elderly relative."

(b) SCHEDULE.

Section 6382(b)(1) is amended by adding that the expanded leave entitlements provided under section 6382(a)(3) may be taken intermittently or on a reduced leave schedule.

(c) SUBSTITUTION OF PAID LEAVE.

Section 6382(d) is amended by adding that an employee may substitute the employee's accrued or accumulated annual leave for the expanded leave entitlements provided under section 6382(a)(3).

(d) NOTICE.

Section 6382(e)(1) is amended to provide notice requirements for the expanded leave entitlements provided under section 6382(a)(3): at least 7 days if the need for leave is foreseeable; as soon as practicable if not foreseeable.

(e) CERTIFICATION.

Section 6382(f) provides that an employee may be required to submit a certification in support of a request for the expanded leave entitlements provided under section 6382(a)(3).

SECTION 203. EFFECTIVE DATE.

Section 203. The provisions of TITLE II are effective 120 days after the date of enactment.

The final package
cc John (12/31/96)
Rick
Lipky
Rae

**PROPOSED LEGISLATION:
 "FAMILY-FRIENDLY WORKPLACE ACT OF 1996"**

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A DRAFT OF PROPOSED LEGISLATION ENTITLED, "FAMILY-FRIENDLY WORKPLACE ACT OF 1996"



SEPTEMBER 27, 1996.—Message and accompanying papers referred to the Committee on Economic and Educational Opportunities and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1996

29-011

To the Congress of the United States:

I am pleased to transmit today for consideration and passage the "Family-Friendly Workplace Act of 1996." Also transmitted is a section-by-section analysis. This legislative proposal is vital to American workers, offering them a meaningful and flexible opportunity to balance successfully their work and family responsibilities.

The legislation would offer workers more choice and flexibility in finding ways to earn the wages they need to support their families while also spending valuable time with their families. In particular, the legislation would allow eligible employees who work overtime to receive compensatory time off—with a limit of up to 80 hours per year—in lieu of monetary compensation. In addition, the legislation contains explicit protections against coercion by employers and abuses by unstable or unscrupulous businesses.

The legislation also would amend the Family and Medical Leave Act of 1993. This statute currently allows eligible workers at businesses with 50 or more employees to take up to 12 weeks of unpaid, job-protected leave to care for a newborn child, attend to their own serious health needs, or care for a seriously ill parent, child, or spouse. Although enactment of this statute was a major step forward in helping families balance work and family obligations, the law does not address many situations that working families typically confront. The enclosed legislation would cover more of these situations, thereby enhancing workers' ability to balance their need to care for their children and elderly relatives without sacrificing their employment obligations. Under the expanded law, workers could take up to 24 hours of unpaid leave each year to fulfill additional, specified family obligations, which would include participating in school activities that relate directly to the academic advancement of their children, accompanying children or elderly relatives to routine medical appointments, and attending to other health or care needs of elderly relatives.

I urge the Congress to give this legislation favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 27, 1996.

○

(1)

**SECTION-BY-SECTION ANALYSIS
"FAMILY-FRIENDLY WORKPLACE ACT OF 1995"**

SECTION 1. SHORT TITLE.

TITLE I--COMPENSATORY TIME

SECTION 101. IN GENERAL.

Section 101 adds the following subsections to section 7 of the Fair Labor Standards Act:

Subsection 7(r)(1) to allow compensatory time in lieu of paid overtime compensation in the private sector, except for temporary, part-time and seasonal workers, and employees in the garment industry.

Subsection 7(r)(2) to restrict the availability of compensatory time to those employers that (1) have a written agreement with an employee representative, or (2) where there is no such representative, establish a written plan that provides employees with a voluntary option to receive compensatory time upon written request by the employee prior to performing the overtime work. Also, an employer may only offer compensatory time if acceptance of compensatory time is not a condition of employment and if it offers compensatory time to similarly-situated employees on an equal basis.

Subsection 7(r)(3)(A) to limit the total amount of compensatory time that can be earned by employees to 80 hours per year. The employer shall regularly report to the employee the number of compensatory hours earned and used.

Subsection 7(r)(3)(B) to allow employees to receive cash for their earned compensatory time 15 days after they request it, at their regular rate when earned or when cashed out, whichever is higher (the "cash out" rate).

Subsection 7(r)(3)(C) to require employers to cash out each employee's earned compensatory time for the preceding calendar year at the cash out rate not later than January 31 of each year (or 31 days after an alternative 12-month period), although an employee may request in writing not to receive this end-of-year payout.

Subsection 7(r)(3)(D) to grant the Secretary the authority to issue rules to restrict the availability and use of compensatory time by occupation or industry.

Subsection 7(r)(4) to provide that any employee who terminates employment, voluntarily or involuntarily, shall have earned compensatory time paid at the cash out rate. This provision also prohibits such cashing out from being used by the employer to oppose an employee's application for unemployment

compensation or being used by a State to deny or diminish the employee's entitlement to unemployment compensation.

Subsection 7(r)(5) to set forth the following circumstances under which an employee may use earned compensatory time: (1) for any reason that would qualify for leave under the Family and Medical Leave Act or comparable State law; (2) for any other purpose (a) upon at least two weeks notice, unless use of the compensatory time would likely cause substantial and grievous injury to the employer's operations or (b) upon less than two weeks notice, unless the employee's use of the compensatory time would unduly disrupt the operations of the employer. Also, an employee's use of compensatory time may not be substituted by the employer for any other leave to which the employee is or would be entitled, or has or would have earned.

Subsection 7(r)(6) to prohibit an employer from requiring an employee to use earned compensatory time.

Subsection 7(r)(7) to provide that monetary compensation received for cashing out earned compensatory time shall be treated as compensation for hours worked for purposes of calculating entitlement to employee benefits, and that use of earned compensatory time shall be treated as hours worked for purposes of overtime and calculating entitlement to employee benefits.

Subsection 7(r)(8) to provide that an employer may terminate or modify a compensatory time plan only upon 60 days notice to employees.

Subsection 7(r)(9) to provide that an employer may not pay monetary compensation in lieu of earned compensatory time except as expressly provided in this subsection.

Subsection 7(r)(10) to make it an unlawful act of discrimination under Section 15(a)(3) of the FLSA for an employer to (1) discriminate against an employee who may refuse or has refused to request or accept compensatory time in lieu of cash overtime or may request to use or has used compensatory time in lieu of cash overtime; (2) request an employee to accept compensatory time in lieu of cash overtime, require an employee to request compensatory time as a condition of employment, or qualify the availability of overtime work on a request for or acceptance of compensatory time; or (3) deny an employee the right to use or force an employee to use earned compensatory time.

Subsection 7(r)(11) to state that any employer that violates any provision of subsection 7(r) shall be liable, in a suit brought by an employee under Section 16(b) or the Secretary under Section 16(c), for wages and liquidated damages and such other

legal or equitable relief as may be appropriate.

Subsection 7(r)(12) to provide that for purposes of bankruptcy, the value of earned compensatory time shall be treated as wages earned when cash out was due.

Subsection 7(r)(13) to provide definitions for the terms "overtime compensation," "compensatory time and compensatory time off," "part-time, temporary or seasonal employees" (including in agriculture and the construction industry), and "overtime assignment."

Subsection 7(r)(14) to grant the Secretary rulemaking authority, including issuing rules on recordkeeping, the contents of employer plans and employee notification.

Sec. 102. CIVIL MONEY PENALTIES.

Subsection 16(a) of the FLSA is amended to provide that civil money penalties not to exceed \$1000 per violation would be available for any violation of Sections 6, 7 or 11(c) of the FLSA.

Sec. 103. CONSTRUCTION.

Section 18 of the FLSA is amended to provide that no provision of this Act shall be construed to: (1) supersede any State laws that provide greater protection to employees provided compensatory time; (2) diminish the obligation of an employer to comply with a collective bargaining agreement or benefit plan that provides greater protection to employees provided compensatory time; or (3) discourage employers from adopting or retaining compensatory time plans that provide more protection to employees.

Sec. 104. COMMISSION ON WORKPLACE FLEXIBILITY.

Section 104 establishes a Commission on Workplace Flexibility to conduct a study of the impact of this section of the Act on employees, including vulnerable workers, and to submit a report to Congress and the Secretary of Labor not later than one year before the expiration of the Act.

Sec. 105. EFFECTIVE DATES.

Subsection 105(a). The provisions of TITLE I are effective on January 1, 1997.

Subsection 105(b). The provisions of TITLE I expire four years after enactment.

TITLE II--PARENTAL INVOLVEMENT AND ELDER-CARE LEAVE**Sec. 201. GENERAL REQUIREMENTS FOR LEAVE.**

Section 201 amends the Family and Medical Leave Act (FMLA) of 1993, with respect to non-Federal workplaces, as follows:

(a) LEAVE REQUIREMENT.

Section 102(a)(3)(A) to allow eligible employees a total of 24 hours of unpaid "Parental Involvement and Elder-Care Leave" during any 12-month period to:

(i) participate in school activities directly related to their child's educational advancement, such as parent-teacher conferences; (ii) accompany their child to routine medical appointments; and (iii) accompany their elderly relative to appointments for routine medical services or other professional services related to the elder's care.

Section 102(a)(3)(B) to define the terms "school" and "elderly relative."

(b) SCHEDULE.

Section 102(b)(1) is amended by adding that the expanded leave entitlements provided under subsection 102(a)(3) may be taken intermittently or on a reduced leave schedule.

(c) SUBSTITUTION OF PAID LEAVE.

Section 102(d)(2)(A) is amended by adding that an employee may elect to substitute, or an employer may require the employee to substitute, the employee's accrued paid vacation, personal or family leave for the expanded leave entitlements provided under subsection 102(a)(3).

(d) NOTICE.

Section 102(e)(1) provides notice requirements for the expanded leave entitlements provided under subsection 102(a)(3): at least 7 days if the need for leave is foreseeable; as soon as practicable if not foreseeable.

(e) CERTIFICATION.

Section 102(f) provides that an employer may require an employee to submit a certification in support of a request for the expanded leave entitlements provided under subsection 102(a)(3).

SECTION 202. LEAVE FOR CIVIL SERVICE EMPLOYEES.

Section 202 amends the codification of FPLA in Title 5 of the United States Code, with respect to Federal workplaces, as follows:

(a) LEAVE REQUIREMENT.

Section 6382(a)(3)(A) to allow civil service employees a total of 24 hours of unpaid "Parental Involvement and Elder-Care Leave" during any 12-month period to:

(i) participate in school activities directly related to their child's educational advancement, such as parent-teacher conferences; (ii) accompany their child to routine medical appointments; and (iii) accompany their elderly relative to appointments for routine medical services or other professional services related to the elder's care.

Section 6382(a)(3)(B) to define the terms "school" and "elderly relative."

(b) SCHEDULE.

Section 6382(b)(1) is amended by adding that the expanded leave entitlements provided under section 6382(a)(3) may be taken intermittently or on a reduced leave schedule.

(c) SUBSTITUTION OF PAID LEAVE.

Section 6382(d) is amended by adding that an employee may substitute the employee's accrued or accumulated annual leave for the expanded leave entitlements provided under section 6382(a)(3).

(d) NOTICE.

Section 6382(e)(1) is amended to provide notice requirements for the expanded leave entitlements provided under section 6382(a)(3): at least 7 days if the need for leave is foreseeable; as soon as practicable if not foreseeable.

(e) CERTIFICATION.

Section 6382(f) provides that an employee may be required to submit a certification in support of a request for the expanded leave entitlements provided under section 6382(a)(3).

SECTION 203. EFFECTIVE DATE.

Section 203. The provisions of TITLE II are effective 120 days after the date of enactment.