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113TH CONGRESS
1ST SESSION

H. R. 1751

To amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to permit leave to care for a domestic partner, parent-in-law, adult child, sibling, grandchild, or grandparent who has a serious health condition, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 2013

Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. POLIS, Mr. CONYERS, Mr. GRIJALVA, Ms. WILSON of Florida, Mr. CICILLINE, Ms. LEE of California, Mr. POCAN, Mr. KEATING, Mrs. DAVIS of California, Mr. LOWENTHAL, Mr. NADLER, Ms. MOORE, Mr. ENGEL, Ms. NORTON, Mr. GEORGE MILLER of California, Mr. ELLISON, and Ms. TITUS) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on House Administration and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to permit leave to care for a domestic partner, parent-in-law, adult child, sibling, grandchild, or grandparent who has a serious health condition, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Family and Medical Leave Inclusion Act''.

SEC. 2. LEAVE TO CARE FOR A DOMESTIC PARTNER, PARENT-IN-LAW, ADULT CHILD, SIBLING, OR GRANDPARENT.

(a) DEFINITIONS.—

(1) INCLUSION OF GRANDPARENTS, GRANDCHILDREN, PARENTS-IN-LAW, SIBLINGS, AND DOMESTIC PARTNERS.—Section 101 of such Act is further amended by adding at the end the following:

''(20) DOMESTIC PARTNER.—The term 'domestic partner' means—

''(A) the person recognized as the domestic partner of the employee under any domestic partner registry or civil union laws of the State or political subdivision of a State where the employee resides, or who is lawfully married to the employee under the laws of the State where the employee resides; or

''(B) in the case of an unmarried employee who lives in a State where a person cannot marry a person of the same sex under the laws of the State, an unmarried adult person of the same sex as the employee who is in a committed, personal relationship with the employee,

is not a domestic partner to any other person, and who is designated to the employer by such employee as that employee's domestic partner.

''(21) GRANDCHILD.—The term 'grandchild' means the son or daughter of an employee's son or daughter.

''(22) GRANDPARENT.—The term 'grandparent' means a parent of a parent of an employee.

''(23) PARENT-IN-LAW.—The term 'parent-in-law' means a parent of the spouse or domestic partner of an employee.

''(24) SIBLING.—The term 'sibling' means any person who is a son or daughter of an employee's parent.

''(25) SON-IN-LAW AND DAUGHTER-IN-LAW.—The terms 'son-in-law' and 'daughter-in-law', used with respect to an employee, means any person who is a spouse or domestic partner of a son or daughter of the employee.''.

(2) INCLUSION OF ADULT CHILDREN AND CHILDREN OF A DOMESTIC PARTNER.—Section 101(12) of such Act (29 U.S.C. 2611(12)) is amended—

(A) by inserting ''a child of an individual's domestic partner,'' after ''a legal ward,''; and

(B) by striking ''who is—'' and all that follows and inserting ''and includes an adult child''.

(b) LEAVE REQUIREMENT.—Section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612) is amended—

(1) in subsection (a)(1)(C), by striking ''spouse, or a son, daughter, or parent of the employee, if such spouse, son, daughter, or parent'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, grandchild, or sibling, of the employee if such spouse, domestic partner, son, daughter, parent, parent-in-law, grandparent, grandchild, or sibling'';

(2) in subsection (a)(1)(E), by striking ''spouse, or a son, daughter, or parent'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandchild, or sibling'';

(3) in subsection (a)(3), by striking ''spouse, son, daughter, parent,'' and inserting ''spouse or domestic partner, son, daughter, son-in-law, daughter-in-law, parent, parent-in-law, grandparent, or sibling,'';

(4) in subsection (e)(2)(A), by striking ''spouse, parent,'' and inserting ''spouse or domestic partner,

parent, parent-in-law, grandparent, grandchild, sibling,'';

(5) in subsection (e)(3), by striking ''spouse, or a son, daughter, or parent,'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandchild, or sibling,''; and

(6) in subsection (f)—

(A) in the matter preceding subparagraph (A), by inserting ''or domestic partners'' after ''husband and wife''; and

(B) in subparagraph (B), by inserting ''or parent-in-law'' after ''parent''.

(c) CERTIFICATION.—Section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) is amended—

(1) in subsection (a), by striking ''spouse, or parent'' and inserting ''spouse or domestic partner, parent, parent-in-law, grandparent, grandchild, or sibling'';

(2) in subsection (b)(4)(A), by striking ''spouse, or parent and an estimate of the amount of time that such employee is needed to care for the son, daughter, spouse, or parent'' and inserting ''spouse or domestic partner, parent, parent-in-law, grandparent, grandchild, or sibling and an estimate of the

amount of time that such employee is needed to care for such son, daughter, spouse or domestic partner, parent, parent-in-law, grandparent, or sibling''; and

(3) in subsection (b)(7), by striking ''parent, or spouse'' and inserting ''spouse or domestic partner, parent, parent-in-law, grandparent, or sibling''.

(d) EMPLOYMENT AND BENEFITS PROTECTION.—Section 104(c)(3) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2614(c)(3)) is amended—

(1) in subparagraph (A)(i), by striking ''spouse, or parent'' and inserting ''spouse or domestic partner, parent, parent-in-law, grandparent, or sibling''; and

(2) in subparagraph (C)(ii), by striking ''spouse, or parent'' and inserting ''spouse or domestic partner, parent, parent-in-law, grandparent, or sibling''.

SEC. 3. FEDERAL EMPLOYEES.

(a) DEFINITIONS.—

(1) INCLUSION OF GRANDPARENTS, PARENTS-IN-LAW, SIBLINGS, AND DOMESTIC PARTNERS.—Section 6381 of title 5, United States Code, is amended—

(A) in paragraph (11) by striking ''; and'' and inserting a semicolon;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(13) the term 'domestic partner' means—

''(A) the person recognized as the domestic partner of the employee under any domestic partner registry or civil union laws of the State or political subdivision of a State where the employee resides, or who is lawfully married to the employee under the laws of the State where the employee resides; or

''(B) in the case of an unmarried employee who lives in a State where a person cannot marry a person of the same sex under the laws of the State, an unmarried adult person of the same sex as the employee who is in a committed, personal relationship with the employee, is not a domestic partner to any other person, and who is designated to the employing agency by such employee as that employee's domestic partner;

''(14) the term 'parent-in-law' means a parent of the spouse or domestic partner of an employee;

''(15) the term 'grandchild' means the son or daughter of an employee's son or daughter;

"(16) the term 'grandparent' means a parent of a parent of an employee;

"(17) the term 'sibling' means any person who is a son or daughter of an employee's parent; and

"(18) the terms 'son-in-law and daughter-in-law', used with respect to an employee, means any person who is a spouse or domestic partner of a son or daughter of the employee.".

(2) INCLUSION OF ADULT CHILDREN AND CHILDREN OF A DOMESTIC PARTNER.—Section 6381(6) of such title is amended—

(A) by inserting "a child of an individual's domestic partner," after "a legal ward,"; and

(B) by striking "who is—" and all that follows and inserting "and includes an adult child".

(b) LEAVE REQUIREMENT.—Section 6382 of title 5, United States Code, is amended—

(1) in subsection (a)(1)(C), by striking "spouse, or a son, daughter, or parent of the employee, if such spouse, son, daughter, or parent" and inserting "spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, grandchild, or sibling, of the employee if such spouse, domestic

partner, son, daughter, parent, parent-in-law, grandparent, grandchild, or sibling''; (2) in subsection (a)(1)(E), by striking ''spouse, or a son, daughter, or parent'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandchild, or sibling''; (3) in subsection (a)(3), by striking ''spouse, son, daughter, parent,'' and inserting ''spouse or domestic partner, son, daughter, son-in-law, daughter-in-law, parent, parent-in-law, grandparent, sibling,''; (4) in subsection (e)(2)(A), by striking ''spouse, parent,'' and inserting ''spouse or domestic partner, parent, parent-in-law, grandparent, grandchild, sibling,''; and (5) in subsection (e)(3), by striking ''spouse, or a son, daughter, or parent,'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandchild, or sibling,''.

(c) CERTIFICATION.—Section 6383 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''spouse, or parent'' and inserting ''spouse or domestic partner, parent, parent-in-law, grandparent, grandchild, or sibling''; and

(2) in subsection (b)(4)(A), by striking ''spouse, or parent, and an estimate of the amount of time that such employee is needed to care for such son, daughter, spouse, or parent'' and inserting ''spouse or domestic partner, parent, parent-in-law, grandparent, grandchild, or sibling and an estimate of the amount of time that such employee is needed to care for such son, daughter, spouse or domestic partner, parent, parent-in-law, grandparent, grandchild, or sibling''.

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