

of up to one-half of a work day would ease the burden significantly for employers, both in terms of necessary paperwork and with respect to being able to cover efficiently for absent employees.

Where the employer does not exercise its right to require the employee to substitute other employer-provided leave under the FMLA, the FMLA Clarification Act shifts to the employee the need to request leave be designated as FMLA leave, and requires the employee to provide written application within five working days of providing notice to the employer for foreseeable leave, and within a time period extended as necessary for unforeseeable leave, if the employee is physically or mentally incapable of providing notice or submitting the application.

Requiring the employee to request that leave be designated as FMLA leave eliminates the need for the employer to question the employee and pry into the employee's and the employee's family's private matters, as required under current law, and helps eliminate personal liability for employer supervisors who should not be expected to be experts in the vague and complex regulations which even attorneys have a difficult time understanding.

With respect to leave taken because of the employee's own serious health condition, the FMLA Clarification Act permits an employer to require the employee to choose between taking unpaid leave provided by the FMLA or paid absence under an employer's collective bargaining agreement or other sick leave, sick pay, or disability plan, program, or policy of the employer. This change provides incentive for employers to continue their generous sick leave policies while providing a disincentive to employers considering getting rid of such employee-friendly plans, including those negotiated by the employer and the employee's union representative. Paid leave would be subject to the employer's normal work rules and procedures for taking such leave, including work rules and procedures dealing with attendance requirements.

Despite the common belief that leave under the FMLA is necessarily unpaid, employers having generous sick leave policies, or who have worked out employee-friendly sick leave programs with unions in collective bargaining agreements, are being penalized by the FMLA. In fact, for many companies, most FMLA leave has become paid leave because the regulations state that an employer must observe any employment benefit program or plan that provides greater rights than the FMLA. Furthermore, because employers cannot use the taking of FMLA leave as a negative factor in employment actions, such as hiring, promotions or disciplinary actions, nor can they count FMLA leave under "no fault" attendance policies, the regulations prohibit employers from using disciplinary attendance policies to manage employees' absences, even though employers are required to pay for the absences under their short-term disability programs if either the employee or the employer elects to substitute paid leave.

My bill also addresses some of the problems employers often face in determining the validity of an employee's FMLA certification, by clarifying that sufficient certification under the FMLA must include "the appropriate medical facts, which must be documented by objective medical findings."

Health care providers are accustomed to responding to telephone inquiries from employ-

ers' health care providers and the information they provide on the FMLA certification form is often internally inconsistent or does not support a finding of incapacity. The bill would require the employee's health care provider to document on the form the objective medical findings supporting the finding of incapacity. Due to the limits imposed by the Department of Labor's regulations, the employer's health care provider cannot even call the employee's health care provider if the employee declines to give permission. Nor can the employer's health care provider obtain the usual documentary support for a disability. These limitations either lead the employer to deny FMLA coverage due to lack of sufficient certification, or to grant FMLA coverage despite the lack of sufficient factual support just to avoid a dispute. This clarification would simply give the employer more information upon which to determine whether or not a leave request qualifies under the FMLA.

SINGING LANCERS—A SOURCE OF PRIDE FOR THE SPRINGFIELD COMMUNITY

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. HYDE. Mr. Speaker, the choirs of Lee High School in Springfield, Va. drew words of praise from faculty and community residents following their participation in the competitive April 17 Boston Music Festival.

Every year the group competes in Music Festivals representing Lee High School and the community's finest youth. Under the direction of Mr. G. Lindsey Florence, the Singing Lancers, known for their high standards of music excellence, returned from the April 17 competition holding their silver and bronze trophies high with pride. The Madrigals and Ladies Chamber Choir carried the Silver and the Concert and Lee Freshmen Choirs held the Bronze. This is an exceptional honor because the four choirs' performance were adjudicated on a college and professional level by a panel of three judges.

Their achievement deserves recognition, and it gives me great pleasure to acknowledge each of these fine young men and women. Congratulations to: Matt Aberant, Denise Absher, Karen Albers, Jessica Alonzo, Amanda Anderson, Kristine Antiporda, Mary Assad, Hyun Bae, Lena Berdecia, Katie Brado, Kelly Brehm, Lauren Buchanan, Ashley Bush, Nicki Clark, Rachel Cooper, Liz Cego, Lindsay Cronin, Rachel Cully, Jeni Davis, Abigail Dosh, Kelly Dreier, Mary Fitzgerald, Ashley Flanders, Heather Flemming, Kristine Foulkes, Kyle Friesland, Chris Fritz, Reagan Goodman, Brian Gresham, Rachel Griffin, Kristen Hampton, Chipp Hewitt, Dan Hinson, April Holloman, Michelle Hudgens, Brandy Hume, J.P. Javier-Wong, Tim Jeffers, Erlend Johnson, Dan Kim, Tasha Kulenguski, Peter Laver, Danielle Lawson, Mike Lazeear, Darice Lee, Natalie Lent, Amanda Lindberg, Jennifer Little, Madeline Mace, Candace Mallon, Courtney Mallon, Chris Marfori, Maggie Martin, Tara McCabe, Heather McKay, Darin McMillen, Dave McMullin, Meg Meyer, Abby Meyer, Carrie Moore, Jason Morgan, Shaun Newman, Jared Orton, John Oudomsouk, Tim Parsons,

Alicia Perretti, Jessica Piansky, Rachel Plowman, Michelle Poling, Jason Potts, Leslie Potts, Alicia Powell, Lindsay Powers, Anna Ramedo, Davis Reynolds, Ian Richmond, Brook Rubeor, Amy Simpson, Julie Saholsky, Jenny Sellers, Liz Shwaery, Sara Sikorra, Leslie Simpson, Beth Sivola, Justin Smallwood, Kirstin Stamper, Julie Stoops, Stacey Stratton, Dawn Thompson, Christal Wells, Melissa Wilkerson, Sarah Wills, Eric Womac, Kelsey Wright, and Christina Yip.

PALCARE—MODEL CHILD CARE CENTER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. LANTOS. Mr. Speaker, last week President Clinton delivered an important address in the Rose Garden about the critical need for quality, affordable child care in our country. The President reviewed several ideas and proposals designed to meet this demand, contending that we have "to act on the overwhelming weight of the evidence about the importance of the earliest years in the child's life."

I wholeheartedly agree with President Clinton, and I believe that I can point him to an outstanding example of what can and should be done. Palcare in Burlingame, California, is an exceptional, nonprofit child care center designed to address the most serious concern that dual-income and single-parent families in the Bay Area are forced to confront—the need to ensure a safe, nurturing environment for their children. I visited Palcare last month and came away with an immense appreciation for its educational excellence, its devoted staff, and, most of all, its invaluable assistance to mothers and fathers from across the Peninsula.

I am delighted to congratulate Palcare on the fifth anniversary of its opening and on its exceptional record of community service in San Mateo County.

As our country has shifted from an industrial to a service-based structure, the traditional one-income family has become more the exception than the rule, and 9-to-5 work days are increasingly becoming a rarity. Many single parents hold three or more jobs, struggling to create a positive environment for their children while fighting to earn the financial resources to feed them, clothe them, and educate them.

Palcare responds to their social dilemma described by former U.S. Secretary of Labor Robert Reich during a visit to the child care center in 1995: "Finding good child care is a challenge for everyone, but it's compounded by nonstandard hours. Our service-based economy is increasingly running 24 hours. Parents are required to work early in the morning, nights and on weekends."

Mr. Speaker, this excellent child care center provides the highest quality service night and day, seven days per week, for over two hundred families. It enhances the work force by enabling parents to take jobs they would otherwise be unable to accept; it gives our youngest citizens a constructive educational milieu in which to grow; and, perhaps most important, Palcare allows mothers and fathers