

**ELIGIBILITY FOR MEDICAL & FAMILY LEAVE UNDER THE FMLA:  
DEVELOPMENT OF THE STATUTORY TEXT  
1985-1993**

| CONGRESS                     | BILL   | COMMITTEE   | ELIGIBILITY FOR MEDICAL & FAMILY <sup>1</sup> LEAVE   | INTERMITTENT LEAVE  | REDUCED LEAVE SCHEDULE  |
|------------------------------|--|---|---|---|---|
| 99 <sup>th</sup><br>Congress | <p><b>H.R. 2020<br/>Parental and<br/>Disability Leave Act<br/>of 1985</b></p> <p>April 4, 1985</p> <p>Rep. Patricia Schroeder<br/>(D-CO)<br/>45 Cosponsors</p> | <p>Education and Labor</p> <p>Post Office and Civil<br/>Service</p> | <p>The term “<i>temporary disability leave</i>” means leave by reason of an employee’s inability to perform his or her job due to nonoccupational medical reasons.</p> <p>The term “<i>parental leave</i>” means leave by reason of ... the serious illness of a child of an employee.</p> <p>The term “serious illness” means an illness, injury, or condition likely to require—</p> <p style="padding-left: 40px;">(A) continuing medical treatment, or</p> <p style="padding-left: 40px;">(B) confinement for at least one month.</p>   | <p>[Temporary disability and parental] leave need not be taken consecutively.<sup>2</sup></p> <p>[No specific reference to “intermittent” leave.]</p> | <p>Each employee shall be entitled, at his or her option ... to take [temporary disability or parental] leave ... on a reduced leave schedule; except that the total time period over which such reduced leave schedule is spread may not exceed 39 consecutive weeks.</p> <p>The term “reduced leave schedule” means leave scheduled for fewer than 5 workdays per week or fewer than the employee’s usual number of hours per workday.</p>      |
|                              | <p><b>H.R. 4300<br/>Parental and Medical<br/>Leave Act of 1986</b></p> <p>March 4, 1986</p> <p>Rep. William Clay<br/>(D-MO)<br/>126 Cosponsors</p>             | <p>Education and Labor</p> <p>Post Office and Civil<br/>Service</p> | <p><i>Temporary medical leave requirement</i> – An employee who, because of a serious health condition, becomes unable to perform the functions of such employee’s position shall be entitled to temporary medical leave.</p> <p><i>Parental leave requirement</i> – An employee shall be entitled to ... parental leave ... in order to care for the employee’s son or daughter who has a serious health condition.<sup>3</sup></p> <p>The term “serious health condition” means an illness, injury, impairment, or physical or mental condition which involves—</p> <p style="padding-left: 40px;">(A) inpatient care in a hospital, hospice or residential medical care facility; or</p> | <p>[Temporary medical and parental] leave may be taken intermittently when medically necessary.<sup>4</sup></p>                                       | <p>[Parental] leave may be taken on a reduced leave schedule, in which case—</p> <p>(a) the total period during which the 18 workweeks may be taken may not exceed 36 consecutive workweeks, and</p> <p>(b) such leave shall be scheduled so as not to disrupt unduly the operations of the employer.</p> <p>The term “reduced leave schedule” means leave scheduled for fewer than an employee’s usual number of hours per workweek or hours</p> |

<sup>1</sup> For the purposes of this chart, the term “family leave” (or “parental leave”) is limited to the leave needed to care for a family member with a serious health condition. Birth, adoption, and foster care as reasons for family leave are beyond the scope of this document.

<sup>2</sup> Language in brackets is paraphrased language, not exact text.

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|                       |   |                           | continuing treatment or continuing supervision by a health care provider.   |  | per workday.   |
|                       | <p><b>S. 2278</b><br/> <b>Parental and Medical Leave Act of 1986</b></p> <p>April 9, 1986</p> <p>Sen. Christopher Dodd (D-CT)<br/> 4 Cosponsors</p> | Labor and Human Resources | <p><i>Temporary medical leave requirement</i> —Any employee who, as the result of a serious health condition, becomes unable to perform the functions of the position of the employee, shall be entitled to temporary medical leave.</p> <p><i>Parental leave requirement</i> – An employee shall be entitled to ... parental leave ... in order to care for the employee’s son or daughter who has a serious health condition.</p> <p>The term “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves—<br/> (A) inpatient care in a hospital, hospice, or residential medical care facility; or<br/> (B) continuing treatment or continuing supervision by a health care provider.</p> | [Temporary medical leave & parental] leave may be taken intermittently when medically necessary.   | <p>[Parental] leave may be taken on a reduced leave schedule. Under the schedule ...</p> <p>(a) the total period during which the 18 workweeks may be taken may not exceed 36 consecutive workweeks, and</p> <p>(b) the leave shall be scheduled so as not to disrupt unduly the operations of the employer.</p> <p>The term “reduced leave schedule” means leave scheduled for fewer than the usual number of hours of an employee per workweek or hours per workday.</p> |
| <b>100th Congress</b> | <p><b>H.R. 284</b><br/> <b>Family and Medical Leave Job Security Act of 1987</b></p> <p>Jan. 6, 1987</p> <p>Rep. Marge Roukema</p>                  | Education and Labor       | <p><i>Temporary medical leave requirement</i> – Any employee who, because of a serious health condition becomes unable to perform the functions of such employee’s position, shall be entitled to temporary medical leave.</p> <p><i>Family leave requirement</i> – An employee shall be entitled to ... family leave ... in order to care for the employee’s son, daughter, or parent who has a serious health condition.</p>  | [Temporary medical and family] leave may be taken intermittently when medically necessary, except that, to the extent practicable, such leave shall be scheduled so as not to disrupt unduly the operations of the employer. | <p>Upon agreement between the employer and the employee, [family] leave under this section may be taken on a reduced leave schedule.</p> <p>The term “reduced leave schedule” means leave scheduled for fewer than an employee’s usual number of hours per workweek or</p>   |

<sup>3</sup> In the markup of H.R. 4300, the House Education and Labor Committee added dependent parents to the list of family members whose serious health condition could trigger an employee’s right to leave. H.R. Rep. No. 99-699, pt. 2 at 28 (August 8, 1986).

<sup>4</sup> In the same markup, the Committee addressed business concerns in part by providing that an employee who takes leave for family or medical reasons, when the leave is foreseeable, must make a reasonable effort to schedule the leave so that it does not “unduly disrupt” the operations of the employer. H.R. Rep. No. 99-699, pt. 2 at 26 (August 8, 1986).

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|          | (R-NJ)<br>2 Cosponsors  |  | The term “serious health condition” means an illness, injury, impairment, or physical or mental condition which involves—<br>(A) inpatient care in a hospital, hospice, or residential medical care facility, or<br>(B) continuing treatment or continuing supervision by a health care provider.  |  | hours per workday.  |
|          | <b>S. 249<br/>Parental and Medical Leave Act of 1987</b><br><br>Jan. 6, 1987<br><br>Sen. Christopher Dodd (D-CT)<br>13 Cosponsors | Labor and Human Resources                                | <i>Temporary medical leave requirement</i> – Any employee who, as the result of a serious health condition, becomes unable to perform the functions of the position of the employee, shall be entitled to temporary medical leave.<br><br><i>Parental leave requirement</i> – An employee shall be entitled to ... parental leave ... in order to care for the employee’s son or daughter who has a serious health condition.<br><br>The term “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves—<br>(A) inpatient care in a hospital, hospice or residential medical care facility; or<br>(B) continuing treatment or continuing supervision by a health care provider. | [Temporary medical leave and parental] leave may be taken intermittently when medically necessary. | The [parental] leave may be taken on a reduced leave schedule. Under the schedule (A) the total period during which the 18 workweeks may be taken may not exceed 36 consecutive weeks; and (B) the leave shall be scheduled so as not to disrupt unduly the operations of the employer.<br><br>The term “reduced leave schedule” means leave scheduled for fewer than the usual number of hours of an employee per workweek or hours per workday. |
|          | <b>H.R. 925<br/>Family and Medical Leave Act of 1987</b><br><br>Feb. 3, 1987  | Education and Labor<br><br>Post Office and Civil Service | <i>Temporary medical leave requirement</i> – Any employee who, because of a serious health condition, becomes unable to perform the functions of such employee’s position, shall be entitled to temporary medical leave.   | [Temporary medical leave and family] leave may be taken intermittently when medically necessary.   | Such [family] leave may be taken on a reduced leave schedule, in which case—<br>(A) the total period during which the 18 workweeks may be taken may not exceed 36 consecutive workweeks,  |

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|          | William Clay (D-MO)<br>151 Cosponsors   |                         | <p><i>Family leave requirement</i> – An employee shall be entitled to ... family leave ... in order to care for the employee’s son, daughter, or parent who has a serious health condition.</p> <p>The term “serious health condition” means an illness, injury, impairment, or physical or mental condition which involves—</p> <ul style="list-style-type: none"> <li>(A) inpatient care in a hospital, hospice, or residential health care facility, or</li> <li>(B) continuing treatment or continuing supervision by a health care provider.</li> </ul>  |   | <p>and</p> <p>(B) such leave shall be scheduled so as not to disrupt unduly the operations of the employer.<sup>5</sup></p> <p>The term “reduced leave schedule” means leave scheduled for fewer than an employee’s usual number of hours per workweek or hours per workday.</p>  |
|          | <p><b>S. 2488</b><br/><b>Parental and Medical Leave Act of 1988</b></p> <p>June 8, 1988</p> <p>Sen. Christopher Dodd (D-CT)<br/>28 Cosponsors</p> | Labor & Human Resources | <p><i>Temporary medical leave requirement</i> – Any employee who, as the result of a serious health condition, becomes unable to perform the functions of the position of the employee, shall be entitled to temporary medical leave subject to [certification requirements].</p> <p><i>Parental leave requirement</i> –: An employee shall be entitled subject to [certification requirements], to ... parental leave ... in order to care for the employee’s son or daughter who has a serious health condition.</p> <p>The term “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves—</p> <ul style="list-style-type: none"> <li>(A) inpatient care in a hospital, hospice, or residential medical care facility; or</li> <li>(B) continuing treatment or continuing supervision by a health care provider.</li> </ul> | [Temporary medical leave and parental leave] may be taken intermittently when medically necessary, subject to [requirements for foreseeable leave, including employee’s duties to make reasonable efforts to schedule medical treatments so as not to disrupt unduly employer operations and to provide prior notice to the employer as is reasonable and practicable]. The Secretary shall promulgate regulations ... that define the term “reasonable and practicable” .... | <p>On agreement between the employer and employee, [parental] leave ... may be taken on a reduced leave schedule, however, such reduced leave shall not result in a reduction in the total amount of leave to which the employee is entitled.</p> <p>The term “reduced leave schedule” means leave scheduled for fewer than the usual number of hours of an employee per workweek or hours per workday.</p> |

<sup>5</sup>In the House Education and Workforce Committee’s markup of H.R. 925, there was a change to the provisions on reduced schedule leave: “Reduced leave, which occurs when an employee stays on the job but works reduced hours, has to be mutually agreed upon between the employer and employee.” H.R. Rep. No. 100-511, pt.2 at 32 (March 9, 1988).

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| <p align="center"><b>101st Congress</b></p> | <p><b>H.R. 770<br/>Family and Medical Leave Act of 1989</b></p> <p>Feb. 2, 1989</p> <p>Rep. William Clay (D-MO)<br/>151 Cosponsors</p>  | <p>Education and Labor<br/>Post Office &amp; Civil Service</p> | <p><i>Temporary medical leave requirement</i> -- Any eligible employee who, because of a serious health condition, becomes unable to perform the functions of such employee's position, shall be entitled [subject to certification requirements] to temporary medical leave.</p> <p><i>Family leave requirement</i> – An eligible employee shall be entitled, subject to [certification requirements], to ... family leave ... in order to care for the employee's son, daughter, or parent who has a serious health condition.</p> <p>The term "serious health condition" means an illness, injury, impairment, or physical or mental condition which involves—</p> <ul style="list-style-type: none"> <li>(A) inpatient care in a hospital, hospice, or residential health care facility, or</li> <li>(B) continuing treatment or continuing supervision by a health care provider.</li> </ul> | <p>[Temporary medical and family] leave may be taken intermittently when medically necessary, subject to [requirements for foreseeable leave, including employee's duties to make reasonable efforts to schedule medical treatments so as not to disrupt unduly employer operations and to provide prior notice to the employer as is reasonable and practicable].</p>        | <p>Upon agreement between the employer and employee, [family leave] may be taken on a reduced leave schedule, however, such reduced leave schedule shall not result in a reduction in the total amount of leave to which the employee is entitled.</p> <p>The term "reduced leave schedule" means leave scheduled for fewer than an employee's usual number of hours per workweek or hours per workday.</p> |
|   | <p><b>S. 345<br/>Family and Medical Leave Act of 1989</b></p> <p>Feb. 2, 1989</p> <p>Sen. Christopher Dodd (D-CT)<br/>24 Cosponsors</p> | <p>Labor &amp; Human Resources</p>                             | <p><i>Temporary medical leave requirement</i>-- Any employee who, as a result of a serious health condition, becomes unable to perform the functions of the position of the employee, shall be entitled to temporary medical leave subject to [certification requirements].</p> <p><i>Family leave requirement</i> – An employee shall be entitled, subject to [certification requirements], to ... family leave ... in order to care for the employee's son or daughter or parent who has a serious health condition.</p> <p>The term "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves--</p> <ul style="list-style-type: none"> <li>(A) inpatient care in a hospital, hospice, or residential medical care facility; or</li> <li>(B) continuing treatment or continuing supervision by a health care provider.</li> </ul>          | <p>[Temporary medical leave and family leave] may be taken intermittently when medically necessary, subject to [requirements for foreseeable leave, including employee's duties to make a reasonable effort to schedule medical treatments so as not to unduly disrupt employer operations and to provide prior notice to the employer as is reasonable and practicable].</p> | <p>On agreement between the employer and the employee, [family] leave may be taken on a reduced leave schedule, however, such reduced leave shall not result in a reduction in the total amount of leave to which the employee is entitled.</p> <p>The term "reduced leave schedule" means leave scheduled for fewer than the usual number of hours of an employee per workweek or hours per workday.</p>   |

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|                              |   |   |  |   |  |
|                              | <p><b>S. 2973</b><br/> <b>Family and Medical Leave Act of 1990</b></p> <p>Aug. 3, 1990</p> <p>Sen. Christopher Dodd (D-CT)<br/> 25 Cosponsors</p>                       |   | <p><i>Leave requirement:</i> Subject to [certification requirements], an eligible employee shall be entitled to ... leave ...</p> <p>because of a serious health condition that makes the employee unable to perform the functions of the position of such employee; [or]</p> <p>to care for the son, daughter, spouse, or parent of the employee who has a serious health condition.</p> <p>The term “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves—</p> <p>(A) inpatient care in a hospital, hospice or residential medical care facility; or</p> <p>(B) continuing treatment or continuing supervision by a health care provider.</p> | <p>Subject to [requirements for foreseeable leave, including employee’s duties to make a reasonable effort to schedule medical treatments so as not to disrupt unduly employer operations and to provide prior notice to the employer as is reasonable and practicable], [medical &amp; family] leave ... may be taken intermittently when medically necessary.</p> | <p>On agreement between the employer and employee, [medical &amp; family] leave ... may be taken on a reduced leave schedule. Such reduced leave shall not result in a reduction in the total amount of leave to which the employee is entitled.</p> <p>The term “reduced leave schedule” means leave scheduled for fewer than an employee’s usual number of hours per workweek or hours per workday.</p>                |
| <p><b>102nd Congress</b></p> | <p><b>H.R. 2</b><br/> <b>Family and Medical Leave Act of 1991</b></p> <p>Jan. 3, 1991</p> <p>William Clay (D-MO)<br/> &amp; Rep. Roukema (R-NJ)<br/> 182 Cosponsors</p> | <p>Education &amp; Labor</p> <p>Post Office &amp; Civil Service</p> | <p><i>Leave requirement</i> – An eligible employee shall be entitled, subject to [certification requirements], to ... leave ...</p> <p>because of a serious health condition which makes the employee unable to perform the functions of such employee’s position [or]</p> <p>in order to care for the son, daughter, spouse, or parent of the employee who has a serious health condition.</p> <p>The term “serious health condition” means an illness, injury,</p>   | <p>[Medical &amp; family] leave ... may be taken intermittently when medically necessary, subject to [requirements for foreseeable leave, including employee’s duties to make a reasonable effort to schedule medical treatments so as not to unduly disrupt employer operations and to provide prior notice to the employer as is reasonable and</p>               | <p>Upon agreement between the employer and the employee, [medical &amp; family] leave ... may be taken on a reduced leave schedule. Such reduced leave schedule shall not result in a reduction in the total amount of leave to which the employee is entitled.</p> <p>The term “reduced leave schedule” means leave scheduled for fewer than an employee’s usual number of hours per workweek or hours per workday.</p> |

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|          |  |   | impairment, or physical or mental condition which involves—<br>(A) inpatient care in a hospital, hospice, or residential health care facility, or<br>(B) continuing treatment or continuing supervision by a health care provider.  | practicable].  |   |
|          | <p><b>S.5 Family and Medical Leave Act of 1991</b></p> <p>Jan. 14, 1991</p> <p>Sen. Christopher Dodd (D-CT)</p> <p>39 Cosponsors</p> | Labor & Human Resources   | <p><i>Leave requirement</i> -- Subject to [certification requirements], an eligible employee shall be entitled to ... leave ...</p> <p>because of a serious health condition that makes the employee unable to perform the functions of the position of such employee; [or]</p> <p>to care for the son, daughter, spouse, or parent of the employee who has a serious health condition.</p> <p>The term “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves—<br/>(A) inpatient care in a hospital, hospice, or residential medical care facility, or<br/>(B) continuing treatment or continuing supervision by a health care provider.</p> | Subject to [requirements for foreseeable leave, including employee’s duties to make a reasonable effort to schedule medical treatments so as not to disrupt unduly employer operations and to provide prior notice to the employer as is reasonable and practicable], [medical & family] leave ... may be taken intermittently when medically necessary. | <p>On agreement between the employer and the employee, [medical &amp; family] leave may be taken on a reduced leave schedule. Such reduced leave schedule shall not result in a reduction in the total amount of leave to which such employee is entitled....</p> <p>The term “reduced leave schedule” means leave scheduled for fewer than the usual number of hours per workweek, or hours per workday, of an employee.</p> |
|          | <p><b>H.R. 4308 Family Emergencies and Medical Leave Act of 1992</b></p> <p>Feb. 25, 1992</p> <p>Rep. Timothy Penny (D-MN)</p>       | <p>Education &amp; Labor</p> <p>House Administration</p> <p>Post Office &amp; Civil Service</p> | <p><i>Leave requirement</i> –Subject to [certification requirements], an eligible employee shall be entitled to leave during any 12 month period as follows:</p> <p>... leave for a serious health condition that makes the employee unable to perform the functions of the position of such employee.</p> <p>... leave in order to care for a son, daughter, spouse, or parent of the employee who has a serious health condition.</p>   | Subject to [employer option for foreseeable leave to transfer employee temporarily to an available alternative position that has equivalent pay and benefits and better accommodates recurring periods of leave], [requirements for foreseeable leave, including employee’s duties to make a reasonable effort to schedule                               | <p>On agreement between the employer and the employee, [medical &amp; family] leave ... may be taken on a reduced leave schedule. Such reduced leave schedule shall not result in a reduction in the total amount of leave to which such employee is entitled ....</p> <p>The term “reduced leave schedule” means leave that reduces the usual number of hours per workweek, or hours per workday, of an employee.</p>        |

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|          |  |   | <p>The term “serious health condition” means a disabling illness, injury, impairment, or physical or mental condition that involves—</p> <p>(A) inpatient care in a hospital, hospice or residential medical care facility; or</p> <p>(B) continuing treatment by a health care provider</p>   | <p>medical treatments so as not to disrupt unduly employer operations and to provide not less than 30 days notice to the employer before leave is to begin or if treatment requires a change in the date, prior notice as is practicable], and [certification that includes dates of treatment and expected duration], [medical and family] leave may be taken intermittently when medically necessary.</p>   |   |
|          | <p><b>H.R. 5973<br/>Family Investment Act of 1992 (Title I is the Family and Medical Leave Act)</b></p> <p>Sept. 17, 1992</p> <p>Rep. Patricia Schroeder (D-CO)</p> <p>16 Cosponsors</p> | <p>Education &amp; Labor</p> <p>House Administration</p> <p>Post Office &amp; Civil Service</p> <p>Ways &amp; Means</p> | <p><i>Leave requirement</i> – Subject to [certification requirements], an eligible employee shall be entitled to ... leave ... for one or more of the following:</p> <p>Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.</p> <p>In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.</p> <p>The term “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves—</p> <p>(A) inpatient care in a hospital, hospice, or residential medical care facility, or</p> <p>(B) continuing treatment by a health care provider.</p> | <p>Subject to [employer option for foreseeable leave to transfer employee temporarily to an available alternative position that has equivalent pay and benefits and better accommodates recurring periods of leave], [requirements for foreseeable leave, including employee’s duties to make a reasonable effort to schedule medical treatments so as not to disrupt unduly employer operations and to provide not less than 30 days notice to the employer before leave is to begin or if treatment requires a change in the date, prior notice as is practicable], and</p> | <p>On agreement between the employer and the employee, [medical &amp; family] leave ... may be taken on a reduced leave schedule. Such reduced leave schedule shall not result in a reduction in the total amount of leave to which the employee is entitled ....</p> <p>The term “reduced leave schedule” means leave that reduces the number of hours per workweek, or hours per workday, of an employee.</p> |

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|   |   |  |   | [certification that includes dates of treatment and expected duration], [medical and family] leave ... may be taken intermittently when medically necessary.  |  |
| <p align="center"><b>103rd Congress</b></p> | <p><b>H.R. 1 Family and Medical Leave Act of 1993</b></p> <p>Jan. 5, 1993</p> <p>Rep. William Ford (D-MI)</p> <p>170 Cosponsors</p> | <p>Education &amp; Labor House Administration</p> <p>Post Office &amp; Civil Service</p> | <p><i>Leave requirement</i> – Subject to [certification requirements], an eligible employee shall be entitled to ... leave ... for one or more of the following:</p> <p>Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.</p> <p>In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.</p> <p>The term “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves—</p> <ul style="list-style-type: none"> <li>(A) inpatient care in a hospital, hospice, or residential medical care facility; or</li> <li>(B) continuing treatment by a health care provider.</li> </ul> | <p>Subject to [employer option for foreseeable leave to transfer employee temporarily to an available alternative position that has equivalent pay and benefits and better accommodates recurring periods of leave], [requirements for foreseeable leave, including employee’s duties to make a reasonable effort to schedule medical treatments so as not to disrupt unduly employer operations and to provide not less than 30 days notice to the employer before leave is to begin or if treatment requires a change in the date of treatment, prior notice as is practicable], and [certification that includes dates of treatment and expected duration], [medical and family] leave ... may be taken intermittently when medically necessary.</p> | <p>On agreement between the employer and the employee, [medical &amp; family] leave... may be taken on a reduced leave schedule. Such reduced leave schedule shall not result in a reduction in the total amount of leave to which the employee is entitled ... beyond the amount of leave actually taken.</p> <p>The term “reduced leave schedule” means leave that reduces the usual number of hours per workweek, or hours per workday, of an employee.</p> |

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|          | <p><b>S. 5<br/>Family and Medical<br/>Leave Act of 1993</b></p> <p>Jan. 21, 1993</p> <p>Sen. Christopher Dodd<br/>(D-CT)<br/>46 Cosponsors</p> | <p>Labor &amp; Human<br/>Resources</p> | <p><i>Leave requirement</i> – Subject to [certification requirements], an eligible employee shall be entitled to ... leave ... for one or more of the following:</p> <p>Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.</p> <p>In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.</p> <p>The term “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves—</p> <p>(A) inpatient care in a hospital, hospice, or residential medical care facility; or</p> <p>(B) continuing treatment by a health care provider.</p> | <p>Subject to [employer option for foreseeable leave to transfer employee temporarily to an available alternative position that has equivalent pay and benefits and better accommodates recurring periods of leave], [requirements for foreseeable leave, including employee’s duties to make a reasonable effort to schedule medical treatments so as not to disrupt unduly employer operations and to provide not less than 30 days notice to the employer before leave is to begin or if treatment requires a change in the date of treatment, prior notice as is practicable], and [certification that includes dates of treatment and expected duration], [medical and family] leave ... may be taken intermittently or on a reduced leave schedule when medically necessary.</p> <p>The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled ... beyond the amount</p> | <p>[See intermittent leave.]</p> <p>The term “reduced leave schedule” means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.</p> |

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|----------|---|-----------|---|--|---|
|          |   |           |   | of leave actually taken.   |   |
|          | <p><b>P.L. 103-3<br/>Family and Medical<br/>Leave Act of 1993</b></p> <p>Feb. 5, 1993</p> |           | <p><i>Leave requirement</i> – Subject to [certification requirements], an eligible employee shall be entitled to ... leave ... for one or more of the following:</p> <p>Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.</p> <p>In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.</p> <p>The term “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves—</p> <ul style="list-style-type: none"> <li>(A) inpatient care in a hospital, hospice, or residential medical care facility; or</li> <li>(B) continuing treatment by a health care provider.</li> </ul> | <p>Subject to [employer option for foreseeable leave to transfer employee temporarily to an available alternative position that has equivalent pay and benefits and better accommodates recurring periods of leave], [requirements for foreseeable leave, including employee’s duties to make a reasonable effort to schedule medical treatments so as not to disrupt unduly employer operations and to provide not less than 30 days notice to the employer before leave is to begin or if treatment requires a change in the date of treatment, prior notice as is practicable], and [certification that includes dates of treatment and expected duration], [medical and family] leave ... may be taken intermittently or on a reduced leave schedule when medically necessary.</p> <p>The taking of leave intermittently or on a reduced leave schedule pursuant to this</p> | <p>[See intermittent leave.]</p> <p>The term “reduced leave schedule” means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.</p> |

| CONGRESS | BILL | COMMITTEE | ELIGIBILITY FOR MEDICAL & FAMILY <sup>1</sup> LEAVE | INTERMITTENT LEAVE  | REDUCED LEAVE SCHEDULE |
|----------|------|-----------|---|---|------------------------|
|          |      |           |   | paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled ... beyond the amount of leave actually taken. |                        |