^{116TH CONGRESS} 1ST SESSION **S. 1401**

To establish eligibility requirements for education support professionals under the Family and Medical Leave Act of 1993, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 9, 2019

Ms. DUCKWORTH introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

- To establish eligibility requirements for education support professionals under the Family and Medical Leave Act of 1993, and for other purposes.
 - 1 Be it enacted by the Senate and House of Representa-
 - 2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "ESP Family Leave5 Act".

6 SEC. 2. ELIGIBILITY FOR EDUCATION SUPPORT PROFES7 SIONALS.

8 Section 101(2) of the Family and Medical Leave Act
9 of 1993 (29 U.S.C. 2611(2)) is amended by adding at the
10 end the following:

"(E) EDUCATION SUPPORT PROFES-SIONALS.—

"(i) DETERMINATION.—For purposes 3 4 of determining whether an employee who is an education support professional meets 5 6 the hours of service requirement specified 7 in subparagraph (A)(ii), the employee will 8 be considered to meet the requirement if 9 the employee has worked a number of 10 hours equal to not less than 60 percent of 11 the applicable total monthly hours expected 12 for the employee's job description and du-13 ties, as assigned for the previous school 14 year.

15 "(ii) FILE.—Each employer of an 16 education support professional shall main-17 tain on file with the Secretary (in accord-18 ance with such regulations as the Sec-19 retary may prescribe) information speci-20 fying the total monthly hours expected for 21 the employee's job description and duties 22 for each school year.

23 "(iii) DEFINITIONS.—
24 "(I) EDUCATION SUPPORT PRO-

FESSIONAL.—In this subparagraph,

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1	the term 'education support profes-
2	sional' means an employee within a
3	public school or public institution of
4	higher education, which may in-
5	clude—
6	"(aa) paraeducators that
7	provide instructional and non-in-
8	structional support;
9	"(bb) secretarial, clerical,
10	and administrative support staff;
11	"(cc) custodians and mainte-
12	nance service workers that pro-
13	vide building and grounds main-
14	tenance and repair;
15	"(dd) skilled trade workers
16	that provide services in schools,
17	such as electricians, carpenters,
18	and workers who operate machin-
19	ery;
20	"(ee) workers who provide
21	food service, including prepara-
22	tion and serving of food;
23	"(ff) workers who provide
24	school transportation and deliv-
25	ery services;

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1	"(gg) computer, audiovisual,
2	and language technical support
3	staff;
4	"(hh) security staff;
5	"(ii) nursing, health, and
6	therapy support staff, who may
7	also provide community, family,
8	parent and welfare services; and
9	"(jj) other staff that may
10	serve public education students.
11	"(II) PUBLIC SCHOOL.—In this
12	subparagraph, the term 'public school'
13	means a school that is maintained at
14	public expense for the education of
15	the children of a community or dis-
16	trict and that constitutes a part of a
17	system of free public education com-
18	monly including primary and sec-
19	ondary schools, including special edu-
20	cation cooperatives, alternative
21	schools, and other similar facilities.
22	"(III) PUBLIC INSTITUTION OF
23	HIGHER EDUCATION.—In this sub-
24	paragraph the term 'public institution
25	of higher education' means an institu-

tion of higher education, as defined in
 section 101 of the Higher Education
 Act of 1965 (20 U.S.C. 1001), that is
 funded, at least partly, by State tax payers.".

6 SEC. 3. ENTITLEMENT TO LEAVE.

7 Section 102(a) of the Family and Medical Leave Act
8 of 1993 (29 U.S.C. 2612(a)) is amended by adding at the
9 end the following:

"(6) CALCULATION OF LEAVE FOR EDUCATION
SUPPORT PROFESSIONALS.—The Secretary may provide a method for calculating the leave described in
paragraph (1) with respect to employees described in
section 101(2)(E).".

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