

116TH CONGRESS  
1ST SESSION

# S. 1549

To amend the Family and Medical Leave Act of 1993 to ensure that employees on leave under the Act maintain health coverage during an employer lockout.

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## IN THE SENATE OF THE UNITED STATES

MAY 20, 2019

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

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## A BILL

To amend the Family and Medical Leave Act of 1993 to ensure that employees on leave under the Act maintain health coverage during an employer lockout.

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 “Labor Leave Act”.

5 **SEC. 2. MAINTENANCE OF EMPLOYEE BENEFITS DURING**  
6 **AN EMPLOYER LOCKOUT.**

7 (a) COVERAGE.—Section 104(c)(1) of the Family and  
8 Medical Leave Act of 1993 (29 U.S.C. 2614(c)(1)) is  
9 amended—

1           (1) by striking “Except” and inserting the fol-  
2       lowing:

3                   “(A) IN GENERAL.—Except”;

4           (2) by striking the period and inserting “and  
5       shall maintain the coverage in a situation in which  
6       the employer engages in a lockout during the leave  
7       period.”; and

8           (3) by adding at the end the following:

9                   “(B) CHANGES IN HEALTH BENEFITS OR  
10       PLANS.—Except with respect to a change that  
11       results from a lockout described in subpara-  
12       graph (A)—

13                   “(i) if an employer provides a new  
14       health plan or benefits or changes a health  
15       plan or benefits while an employee is on  
16       leave under section 102, the employee is  
17       entitled to the new or changed plan or ben-  
18       efits to the same extent as the employee  
19       would be if the employee were not on leave;  
20       and

21                   “(ii) any change to a health plan,  
22       such as a change in coverage or to a pre-  
23       mium or deductible, that applies to all em-  
24       ployees of the employer’s workforce on that  
25       plan, also applies to an employee enrolled

1 under the plan and on leave under section  
2 102.

3 “(C) DEFINITION.—In this paragraph, the  
4 term ‘lockout’ means a labor dispute involving  
5 a work stoppage, in which an employer with-  
6 holds work from its employees in order to gain  
7 a concession from the employees.”.

8 **SEC. 3. EFFECTIVE DATE.**

9 (a) IN GENERAL.—This Act, including the amend-  
10 ment made by this Act, takes effect on the date of enact-  
11 ment of this Act.

12 (b) REGULATIONS.—Not later than 120 days after  
13 the date of enactment of this Act, the Secretary of Labor  
14 shall issue amended regulations under title I of the Family  
15 and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.),  
16 taking into account the amendments made by this Act.

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