H. R. ______

To provide employees with a minimum of two consecutive hours of paid leave in order to vote in Federal elections.

IN THE HOUSE OF REPRESENTATIVES

Mr. CARTWRIGHT introduced the following bill; which was referred to the Committee on ____________________

A BILL

To provide employees with a minimum of two consecutive hours of paid leave in order to vote in Federal elections.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Time Off to Vote Act”.

SEC. 2. REQUIREMENT FOR TWO HOURS PAID LEAVE TO VOTE IN FEDERAL ELECTIONS.

(a) REQUIREMENT TO PROVIDE LEAVE.—Upon the request of an employee, an employer shall provide to each
employee a minimum of two consecutive hours of paid leave on the day of any Federal election in order to vote.

(b) Employer Right to Determine Two-hour Period.—For each employee taking leave under subsection (a), the employer of such employee may specify the hours during which the employee may take such leave, including by requiring that the employee take the leave during a period designated for early voting instead of on the day of the election, as applicable under State law. Any lunch break or other break period may not be included in the two-hour period designated for leave, but may be taken consecutively with the 2-hour period described in subsection (a).

c) No Loss of Benefits.—The taking of leave under this section shall not result in the loss of any employment benefit accrued prior to the date on which the leave was taken.

(d) Prohibited Acts.—

(1) Interference with Rights under this Act.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, the right to take leave under this Act, or to discriminate against an employee in any manner for taking leave under this Act.
(2) RETALIATION.—It shall be unlawful for any employer to discharge or in any other manner discriminate against any individual for—

(A) opposing any practice made unlawful by this section;

(B) filing any charge, or instituting or causing to be instituted any proceeding, under or related to this section;

(C) giving or preparing to give any information in connection with any inquiry or proceeding relating to any leave provided under this section; or

(D) testifying or preparing to testify in any inquiry or proceeding relating to any leave provided under this section.

(e) INVESTIGATIVE AUTHORITY.—The Secretary of Labor shall have investigative authority with respect to the provisions of this subsection in the same manner and under the same terms and conditions as the investigative authority provided under section 106 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2616), and the requirements of section 106 of such Act shall apply to employers under this subsection in the same manner as such requirements apply to employers under section 106 of such Act.
(f) Enforcement.—

(1) In general.—Any employer that violates this Act may be subject to a civil penalty not to exceed $10,000 per violation. Civil penalties shall be assessed by and paid to the Secretary of Labor for deposit into the Treasury of the United States and shall accrue to the United States and may be recovered in a civil action in the name of the United States brought in the United States district court for the district where the violation is alleged to have occurred or where the employer has its principal office.

(2) Considerations.—In assessing a civil penalty under this Act, the Secretary shall give due consideration to the appropriateness of the penalty with respect to the size of the business of the employer being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.

(g) Definitions.—As used in this Act—

(1) the term “employee” has the meaning given such term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203); and

(2) the term “employer” means any person engaged in commerce or in any industry or activity af-
fecting commerce who employs 25 or more employ-
ees during a calendar year, and includes any person
who acts, directly or indirectly, in the interest of an
employer to any of the employees of such employer
and any successor in interest of an employer. In the
previous sentence, the terms “commerce” and “in-
dustry or activity affecting commerce” have the
meaning given such terms in section 101(1) of the
Family and Medical Leave Act of 1993.

(h) State and Local Laws.—Nothing in this Act
shall be construed to supersede any provision of any State
or local law that requires an employer to provide leave to
an employee, for the purpose of voting in any Federal,
State, or municipal election, in an amount greater than
that required under this Act, or under terms more bene-

(i) Effective Date.—This section shall take effect
beginning with the first Federal election held after the
date of enactment of this Act.