

**AMENDMENT TO H.R. 4441**

**OFFERED BY MR. CAPUANO OF MASSACHUSETTS**

At the end of title VI of the bill, add the following:

1 **SEC. 617. LEAVE REQUIREMENT FOR RAILROAD HOURS OF**  
2 **SERVICE EMPLOYEES.**

3 (a) INCLUSION OF RAILROAD HOURS OF SERVICE  
4 EMPLOYEES.—Section 101(2) of the Family and Medical  
5 Leave Act of 1993 (29 U.S.C. 2611(2)) is amended by  
6 adding at the end the following:

7 “(E) RAILROAD HOURS OF SERVICE EM-  
8 PLOYEES.—

9 “(i) DETERMINATION.—For purposes  
10 of determining whether a railroad employee  
11 who is subject to the hours of service laws  
12 under chapter 211 of title 49, United  
13 States Code, meets the hours of service re-  
14 quirement specified in subparagraph  
15 (A)(ii), the employee will be considered to  
16 meet the requirement if—

17 “(I) the employee has worked or  
18 been paid for not less than 60 percent  
19 of the applicable total guarantee, or  
20 the equivalent, for the previous 12-

1 month period, for or by the employer  
2 with respect to whom leave is re-  
3 quested under section 102; and

4 “(II) the employee has worked or  
5 been paid for not less than 504 hours  
6 (not counting personal commute time  
7 or time spent on vacation leave or  
8 medical or sick leave) during the pre-  
9 vious 12-month period, for or by that  
10 employer.

11 “(ii) FILE.—Each employer of an em-  
12 ployee described in clause (i) shall main-  
13 tain on file with the Secretary (in accord-  
14 ance with such regulations as the Sec-  
15 retary may prescribe) information speci-  
16 fying the applicable guarantee with respect  
17 to each category of employee to which such  
18 guarantee applies.

19 “(iii) DEFINITION.—In this subpara-  
20 graph, the term ‘applicable guarantee’  
21 means—

22 “(I) for an employee described in  
23 clause (i) other than an employee on  
24 reserve status, the minimum number  
25 of hours for which an employer has

1                   agreed to schedule such employee for  
2                   any given period; and

3                   “**(II)** for an employee described  
4                   in clause (i) who is on reserve status,  
5                   the number of hours for which an em-  
6                   ployer has agreed to pay such em-  
7                   ployee on reserve status for any given  
8                   period,  
9                   as established in the applicable collective  
10                  bargaining agreement or, if none exists, in  
11                  the employer’s policies.”.

12           (b) **CALCULATION OF LEAVE FOR RAILROAD HOURS**  
13 **OF SERVICE EMPLOYEES.**—Section 102(a) of the Family  
14 and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is  
15 amended by adding at the end the following:

16           “**(6) CALCULATION OF LEAVE FOR RAILROAD**  
17 **HOURS OF SERVICE EMPLOYEES.**—The Secretary  
18 may provide, by regulation, a method for calculating  
19 the leave described in paragraph (1) with respect to  
20 employees described in section 101(2)(E).”.

