

113TH CONGRESS  
1ST SESSION

# H. R. 675

To extend protections to part-time workers in the areas of employer-provided health insurance, family and medical leave, and pension plans.

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2013

Ms. SCHAKOWSKY introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, House Administration, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To extend protections to part-time workers in the areas of employer-provided health insurance, family and medical leave, and pension plans.

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 “Part-Time Worker Bill  
5 of Rights Act of 2013”.

1 **SEC. 2. EXTENSION OF EMPLOYER HEALTH INSURANCE**  
2 **COVERAGE MANDATE TO PART-TIME EM-**  
3 **PLOYEES.**

4 (a) **LARGE EMPLOYERS NOT OFFERING HEALTH**  
5 **COVERAGE.—**

6 (1) **IN GENERAL.—**Subsection (a) of section  
7 4980H of the Internal Revenue Code of 1986 is  
8 amended—

9 (A) by striking “full-time employees” in  
10 paragraph (1) and inserting “employees”,

11 (B) by striking “full-time employee” in  
12 paragraph (2) and inserting “employee”, and

13 (C) by striking “hereby imposed on the  
14 employer” and all that follows and inserting  
15 “hereby imposed on the employer, with respect  
16 to each employee employed by the employer  
17 during such month, an assessable payment  
18 equal to the applicable payment amount with  
19 respect to such employee.”.

20 (2) **PRORATION OF APPLICABLE PAYMENT**  
21 **AMOUNT FOR PART-TIME EMPLOYEES.—**Paragraph  
22 (1) of section 4980H(c) of such Code is amended to  
23 read as follows:

24 “(1) **APPLICABLE PAYMENT AMOUNT.—**The  
25 term ‘applicable payment amount’ means, with re-  
26 spect to any employee for any month—

1           “(A) in the case of a full-time employee,  
2            $\frac{1}{12}$  of \$2,000, and

3           “(B) in the case of any other employee, the  
4           amount which bears the same ratio to the  
5           amount determined under subparagraph (A)  
6           as—

7                   “(i) the average hours of service per  
8                   week of such employee for such month,  
9                   bears to

10                   “(ii) 30.”.

11           (b) LARGE EMPLOYERS OFFERING COVERAGE WITH  
12           EMPLOYEES WHO QUALIFY FOR PREMIUM TAX CREDITS  
13           OR COST-SHARING REDUCTIONS.—

14                   (1) IN GENERAL.—Paragraph (1) of section  
15                   4980H(b) of such Code is amended—

16                           (A) by striking “full-time employees” each  
17                           place it appears in subparagraphs (A) and (B)  
18                           and inserting “employees”, and

19                           (B) by striking “hereby imposed on the  
20                           employer” and all that follows and inserting  
21                           “hereby imposed on the employer, with respect  
22                           to each employee described in subparagraph (B)  
23                           for such month, an assessable payment equal to  
24                            $\frac{1}{12}$  of \$3,000.”.

1           (2) PRORATION FOR PART-TIME EMPLOYEES.—  
2           Subsection (b) of section 4980H of such Code is  
3           amended by adding at the end the following new  
4           paragraph:

5           “(3) PRORATION FOR PART-TIME EMPLOY-  
6           EES.—In the case of any employee other than a full-  
7           time employee, paragraph (1) shall be applied by  
8           substituting for ‘\$3,000’ the dollar amount which  
9           bears the same ratio to \$3,000 as—

10                   “(A) the average hours of service per week  
11                   of such employee for the month with respect to  
12                   which such paragraph applies, bears to

13                   “(B) 30.”.

14           (3) APPLICATION OF OVERALL LIMITATION.—  
15           Paragraph (2) of section 4980H(b) of such Code is  
16           amended to read as follows:

17           “(2) OVERALL LIMITATION.—The aggregate  
18           amount of tax determined under paragraph (1) with  
19           respect to any applicable large employer for any  
20           month shall not exceed the aggregate amount of tax  
21           which would have been determined under subsection  
22           (a) with respect to such employer for such month if  
23           such employer were described in subsection (a)(1).”.

24           (c) APPLICATION OF HOURS OF SERVICE RULES.—  
25           Subparagraph (B) of section 4980H(c)(4) of such Code

1 is amended by striking “for the application of this para-  
2 graph to” and inserting “with respect to”.

3 (d) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply to months beginning after Decem-  
5 ber 31, 2013.

6 **SEC. 3. ELIMINATION OF HOURS OF SERVICE REQUIRE-**  
7 **MENT FOR FMLA LEAVE.**

8 (a) AMENDMENT.—Section 101(2)(A) of the Family  
9 and Medical Leave Act of 1993 (29 U.S.C. 2611(2)(A))  
10 is amended to read as follows:

11 “(A) IN GENERAL.—The term ‘eligible em-  
12 ployee’ means an employee who has been em-  
13 ployed, either as a full-time or part-time em-  
14 ployee, for at least 12 months by the employer  
15 with respect to whom leave is requested under  
16 section 102.”.

17 (b) EFFECTIVE DATE.—The amendment made by  
18 subsection (a) shall take effect beginning on the date that  
19 is one year after the date of enactment of this Act.

20 **SEC. 4. TREATMENT OF EMPLOYEES WORKING AT LESS**  
21 **THAN FULL-TIME UNDER PARTICIPATION,**  
22 **VESTING, AND ACCRUAL RULES GOVERNING**  
23 **PENSION PLANS.**

24 (a) PARTICIPATION RULES.—

1           (1) IN GENERAL.—Section 202(a)(3) of the  
2       Employee Retirement Income Security Act of 1974  
3       (29 U.S.C. 1052(a)(3)) is amended by adding at the  
4       end the following new subparagraph:

5       “(E)(i) For purposes of this paragraph, in the case  
6       of any employee who, as of the beginning of the 12-month  
7       period referred to in subparagraph (A)—

8           “(I) has customarily completed 500 or more  
9       hours of service per year but less than 1,000 hours  
10      of service per year, or

11          “(II) is employed in a type of position in which  
12      employment customarily constitutes 500 or more  
13      hours of service per year but less than 1,000 hours  
14      of service per year,

15      completion of 500 hours of service within such period shall  
16      be treated as completion of 1,000 hours of service.

17          “(ii) For purposes of this subparagraph, the extent  
18      to which employment in any type of position customarily  
19      constitutes less than 1,000 hours of service per year shall  
20      be determined with respect to each pension plan in accord-  
21      ance with such regulations as the Secretary may prescribe  
22      providing for consideration of facts and circumstances pe-  
23      culiar to the work-force constituting the participants in  
24      such plan.”.

1           (2) CONFORMING AMENDMENT.—Section  
2           204(b)(1)(E) of such Act (29 U.S.C. 1054(b)(1)(E))  
3           is amended by striking “section 202(a)(3)(A)” and  
4           inserting “subparagraphs (A) and (E) of section  
5           202(a)(3)”.

6           (b) VESTING RULES.—

7           (1) IN GENERAL.—Section 203(b)(2) of such  
8           Act (29 U.S.C. 1053(b)(2)) is amended by adding at  
9           the end the following new subparagraph:

10          “(E)(i) For purposes of this paragraph, in the case  
11          of any employee who, as of the beginning of the period  
12          designated by the plan pursuant to subparagraph (A)—

13                 “(I) has customarily completed 500 or more  
14                 hours of service per year but less than 1,000 hours  
15                 of service per year, or

16                 “(II) is employed in a type of position in which  
17                 employment customarily constitutes 500 or more  
18                 hours of service per year but less than 1,000 hours  
19                 of service per year,

20          completion of 500 hours of service within such period shall  
21          be treated as completion of 1,000 hours of service.

22          “(ii) For purposes of this subparagraph, the extent  
23          to which employment in any type of position customarily  
24          constitutes less than 1,000 hours of service per year shall  
25          be determined with respect to each pension plan in accord-

1   ance with such regulations as the Secretary may prescribe  
2   providing for consideration of facts and circumstances pe-  
3   culiar to the work-force constituting the participants in  
4   such plan.”.

5           (2) 1-YEAR BREAKS IN SERVICE.—Section  
6   203(b)(3) of such Act (29 U.S.C. 1053(b)(3)) is  
7   amended by adding at the end the following new  
8   subparagraph:

9           “(F)(i) For purposes of this paragraph, in the case  
10   of any employee who, as of the beginning of the period  
11   designated by the plan pursuant to subparagraph (A)—

12           “(I) has customarily completed 500 or more  
13   hours of service per year but less than 1,000 hours  
14   of service per year, or

15           “(II) is employed in a type of position in which  
16   employment customarily constitutes 500 or more  
17   hours of service per year but less than 1,000 hours  
18   of service per year,

19   completion of 250 hours of service within such period shall  
20   be treated as completion of 500 hours of service.

21           “(ii) For purposes of this subparagraph, the extent  
22   to which employment in any type of position customarily  
23   constitutes less than 1,000 hours of service per year shall  
24   be determined with respect to each pension plan in accord-  
25   ance with such regulations as the Secretary may prescribe



1 providing for consideration of facts and circumstances pe-  
2 culiar to the work-force constituting the participants in  
3 such plan.”.

4 (c) ACCRUAL RULES.—Section 204(b)(4)(C) of such  
5 Act (29 U.S.C. 1054(b)(4)(C)) is amended—

6 (1) by inserting “(i)” after “(C)”; and

7 (2) by adding at the end the following new  
8 clauses:

9 “(ii) For purposes of this subparagraph, in the case  
10 of any employee who, as of the beginning of the period  
11 designated by the plan pursuant to clause (i)—

12 “(I) has customarily completed 500 or more  
13 hours of service per year but less than 1,000 hours  
14 of service per year, or

15 “(II) is employed in a type of position in which  
16 employment customarily constitutes 500 or more  
17 hours of service per year but less than 1,000 hours  
18 of service per year,

19 completion of 500 hours of service within such period shall  
20 be treated as completion of 1,000 hours of service.

21 “(iii) For purposes of clause (ii), the extent to which  
22 employment in any type of position customarily constitutes  
23 less than 1,000 hours of service per year shall be deter-  
24 mined with respect to each pension plan in accordance  
25 with such regulations as the Secretary may prescribe pro-

1 viding for consideration of facts and circumstances pecu-  
2 liar to the work-force constituting the participants in such  
3 plan.”.

4 (d) EFFECTIVE DATES.—

5 (1) IN GENERAL.—Except as provided in sub-  
6 section (b), the amendments made by this section  
7 shall apply with respect to plan years beginning on  
8 or after the date that is one year after the date of  
9 the enactment of this Act.

10 (2) SPECIAL RULE FOR COLLECTIVELY BAR-  
11 GAINED PLANS.—In the case of a plan maintained  
12 pursuant to 1 or more collective bargaining agree-  
13 ments between employee representatives and 1 or  
14 more employers ratified on or before the date of the  
15 enactment of this Act, the amendments made by this  
16 section shall not apply to plan years beginning be-  
17 fore the later of—

18 (A) the earlier of—

19 (i) the date on which the last of the  
20 collective bargaining agreements relating to  
21 the plan terminates (determined without  
22 regard to any extension thereof agreed to  
23 after the date of the enactment of this  
24 Act); or

1                   (ii) the date that is 3 years after the  
2                   date of the enactment of this Act; or

3                   (B) the date that is 1 year after the date  
4                   of the enactment of this Act.

5           For purposes of subparagraph (A), any plan amend-  
6           ment made pursuant to a collective bargaining  
7           agreement relating to the plan which amends the  
8           plan solely to conform to any requirement added by  
9           this section shall not be treated as a termination of  
10          such collective bargaining agreement.

○