

116TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To prohibit adverse employment actions against quarantined or isolated individuals, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

---

\_\_\_\_\_ introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

---

**A BILL**

To prohibit adverse employment actions against quarantined or isolated individuals, 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 “Job Protection for  
5 Quarantined Individuals Act of 2020”.

6 **SEC. 2. PROHIBITION ON ADVERSE EMPLOYMENT ACTIONS**  
7 **AGAINST QUARANTINED OR ISOLATED INDI-**  
8 **VIDUALS.**

9 (a) IN GENERAL.—An employer shall not discharge,  
10 discipline, threaten, or penalize an employee of the em-

1 ployer, or otherwise discriminate in the work terms, condi-  
2 tions, location, or privileges of the employee, because the  
3 employee—

4 (1) has been, or is, in isolation or quarantine;

5 or

6 (2) has responsibility for the care of a family  
7 member in isolation or quarantine, regardless of  
8 whether such employee has assumed responsibility  
9 for all or a portion of such care voluntarily, by con-  
10 tract, or by agreement.

11 (b) ENFORCEMENT AUTHORITY.—

12 (1) INVESTIGATIVE AUTHORITY.—

13 (A) IN GENERAL.—To ensure compliance  
14 with the provisions of subsection (a) or any  
15 order issued under this section, the Secretary  
16 shall have the investigative authority provided  
17 under section 11(a) of the Fair Labor Stand-  
18 ards Act of 1938 (29 U.S.C. 211(a)), with re-  
19 spect to employers, employees, and other indi-  
20 viduals affected.

21 (B) SUBPOENA AUTHORITY.—For the pur-  
22 poses of any investigation provided for in this  
23 paragraph, the Secretary shall have the sub-  
24 poena authority provided for under section 9 of

1 the Fair Labor Standards Act of 1938 (29  
2 U.S.C. 209).

3 (2) CIVIL ACTION BY EMPLOYEES OR INDIVID-  
4 UALS.—

5 (A) RIGHT OF ACTION.—An action to re-  
6 cover the damages or equitable relief prescribed  
7 in subparagraph (B) may be maintained  
8 against any employer in any Federal or State  
9 court of competent jurisdiction by one or more  
10 employees or individuals or their representative  
11 for and on behalf of—

12 (i) the employees or individuals; or  
13 (ii) the employees or individuals and  
14 others similarly situated.

15 (B) LIABILITY.—Any employer who vio-  
16 lates subsection (a) shall be liable to any em-  
17 ployee or individual affected—

18 (i) for damages equal to—

19 (I) the amount of—

20 (aa) any wages, salary, em-  
21 ployment benefits, or other com-  
22 pensation denied or lost by rea-  
23 son of the violation; or

24 (bb) in a case in which  
25 wages, salary, employment bene-

1 fits, or other compensation have  
2 not been denied or lost, any ac-  
3 tual monetary losses sustained as  
4 a direct result of the violation;

5 (II) the interest on the amount  
6 described in subclause (I) calculated  
7 at the prevailing rate; and

8 (III) an additional amount as liq-  
9 uidated damages; and

10 (ii) for such equitable relief as may be  
11 appropriate, including employment, rein-  
12 statement, and promotion.

13 (C) FEES AND COSTS.—The court in an  
14 action under this paragraph shall, in addition to  
15 any judgment awarded to the plaintiff, allow a  
16 reasonable attorney's fee, reasonable expert wit-  
17 ness fees, and other costs of the action to be  
18 paid by the defendant.

19 (3) ACTION BY THE SECRETARY.—

20 (A) ADMINISTRATIVE ACTION.—The Sec-  
21 retary shall receive, investigate, and attempt to  
22 resolve complaints of violations of subsection  
23 (a) in the same manner that the Secretary re-  
24 ceives, investigates, and attempts to resolve  
25 complaints of violations of sections 6 and 7 of

1 the Fair Labor Standards Act of 1938 (29  
2 U.S.C. 206 and 207).

3 (B) CIVIL ACTION.—The Secretary may  
4 bring an action in any court of competent juris-  
5 diction to recover the damages described in  
6 paragraph (2)(B)(i).

7 (C) SUMS RECOVERED.—Any sums recov-  
8 ered by the Secretary pursuant to subparagraph  
9 (B) shall be held in a special deposit account  
10 and shall be paid, on order of the Secretary, di-  
11 rectly to each employee or individual affected.  
12 Any such sums not paid to an employee or indi-  
13 vidual affected because of inability to do so  
14 within a period of 3 years shall be deposited  
15 into the Treasury of the United States as mis-  
16 cellaneous receipts.

17 (4) LIMITATION.—

18 (A) IN GENERAL.—An action may be  
19 brought under paragraph (2), (3), or (5) not  
20 later than 2 years after the date of the last  
21 event constituting the alleged violation for  
22 which the action is brought.

23 (B) COMMENCEMENT.—In determining  
24 when an action is commenced under paragraph  
25 (2), (3), or (5) for the purposes of this para-

1 graph, it shall be considered to be commenced  
2 on the date when the complaint is filed.

3 (5) ACTION FOR INJUNCTION BY SECRETARY.—

4 The district courts of the United States shall have  
5 jurisdiction, for cause shown, in an action brought  
6 by the Secretary—

7 (A) to restrain violations of subsection (a),  
8 including the restraint of any withholding of  
9 payment of wages, salary, employment benefits,  
10 or other compensation, plus interest, found by  
11 the court to be due to employees under this sec-  
12 tion; or

13 (B) to award such other equitable relief as  
14 may be appropriate, including employment, re-  
15 instatement, and promotion.

16 (6) SOLICITOR OF LABOR.—The Solicitor of  
17 Labor may appear for and represent the Secretary  
18 on any litigation brought under paragraph (3) or  
19 (5).

20 (c) DEFINITIONS.—In this section:

21 (1) FMLA DEFINITIONS.—The terms “parent”,  
22 “son or daughter”, “spouse”, and “covered service-  
23 member” have the meanings given the terms in sec-  
24 tion 101 of the Family and Medical Leave Act of  
25 1993 (29 U.S.C. 2611).

1           (2) ANY OTHER INDIVIDUAL RELATED BY  
2 BLOOD OR AFFINITY WHOSE CLOSE ASSOCIATION IS  
3 THE EQUIVALENT OF A FAMILY RELATIONSHIP.—  
4 The term “any other individual related by blood or  
5 affinity whose close association is the equivalent of  
6 a family relationship”, used with respect to an em-  
7 ployee, means any person with whom the employee  
8 has a significant personal bond that is or is like a  
9 family relationship, regardless of biological or legal  
10 relationship.

11           (3) DOMESTIC PARTNER.—The term “domestic  
12 partner”, used with respect to an employee,  
13 means—

14           (A) the person recognized as the domestic  
15 partner of the employee under any domestic  
16 partnership or civil union law of a State or po-  
17 litical subdivision of a State; or

18           (B) in the case of an unmarried employee,  
19 an unmarried adult person who is in a com-  
20 mitted, personal relationship with the employee,  
21 is not a domestic partner as described in sub-  
22 paragraph (A) to or in such a relationship with  
23 any other person, and who is designated to the  
24 employer by such employee as that employee’s  
25 domestic partner.

1           (4) EMPLOYER.—The term “employer” means  
2 a person engaged in an industry affecting commerce.

3           (5) FAMILY MEMBER.—The term “family mem-  
4 ber” means—

5                 (A) a spouse or domestic partner, son or  
6 daughter, son-in-law, daughter-in-law, parent,  
7 parent-in-law, grandparent, grandchild, sibling,  
8 uncle or aunt, or nephew or niece; or

9                 (B) the next of kin of a covered service-  
10 member, or any other individual related by  
11 blood or affinity whose close association is the  
12 equivalent of a family relationship with the cov-  
13 ered servicemember.

14           (6) GRANDCHILD.—The term “grandchild”  
15 means the son or daughter of an employee’s son or  
16 daughter.

17           (7) GRANDPARENT.—The term “grandparent”  
18 means a parent of a parent of an employee.

19           (8) ISOLATION OR QUARANTINE.—The term  
20 “isolation or quarantine”, with respect to an indi-  
21 vidual, means isolation or quarantine because of—

22                 (A) a quarantine order under section 361  
23 of the Public Health Service Act (42 U.S.C.  
24 264);

1 (B) an order or directive of a State, local,  
2 or Tribal government;

3 (C) an order of a Federal, State, or Tribal  
4 court;

5 (D) a written recommendation of a State,  
6 local, or Tribal official that the individual enter  
7 isolation or quarantine; or

8 (E) voluntary health monitoring, which oc-  
9 curs when an individual does not have symp-  
10 toms but is believed to have been exposed to  
11 someone who is sick based on guidance issued  
12 by the Centers for Disease Control and Preven-  
13 tion or the applicable State, local, or Tribal  
14 health department.

15 (9) NEPHEW; NIECE.—The terms “nephew”  
16 and “niece”, used with respect to an employee, mean  
17 a son or daughter of the employee’s sibling.

18 (10) PARENT-IN-LAW.—The term “parent-in-  
19 law” means a parent of the spouse or domestic part-  
20 ner of an employee.

21 (11) SIBLING.—The term “sibling” means any  
22 person who is a son or daughter of an employee’s  
23 parent (other than the employee).

24 (12) SON-IN-LAW; DAUGHTER-IN-LAW.—The  
25 terms “son-in-law” and “daughter-in-law”, used

1 with respect to an employee, mean any person who  
2 is a spouse or domestic partner of a son or daugh-  
3 ter, as the case may be, of the employee.

4 (13) UNCLE; AUNT.—The terms “uncle” and  
5 “aunt”, used with respect to an employee, mean the  
6 son or daughter, as the case may be, of the employ-  
7 ee’s grandparent (other than the employee’s parent).

8 (d) RULE OF CONSTRUCTION.—Nothing in this sec-  
9 tion shall be construed to alter the sick leave or sick pay  
10 terms of any employment relationship or require payment  
11 of wages for hours not worked.