

(A) the date on which the qualifying need related to a public health emergency concludes; or

(B) the date that is 12 weeks after the date on which the employee's leave under section 2612(a)(1)(F) of this title commences.

(Pub. L. 103-3, title I, §110, as added Pub. L. 116-127, div. C, §3102(b), Mar. 18, 2020, 134 Stat. 189; Pub. L. 116-136, div. A, title III, §§3601, 3604(a), 3605, 3611(1), (3), (7), div. B, title IX, §19008, Mar. 27, 2020, 134 Stat. 410, 411, 414, 415, 579.)

Editorial Notes

REFERENCES IN TEXT

The Congressional Accountability Act of 1995, referred to in subsec. (a)(1)(A)(ii), is Pub. L. 104-1, Jan. 23, 1995, 109 Stat. 3, which is classified principally to chapter 24 (§1301 et seq.) of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note under section 1301 of Title 2 and Tables.

This Act, referred to in subsec. (a)(3)(C), is Pub. L. 103-3, Feb. 5, 1993, 107 Stat. 6, known as the Family and Medical Leave Act of 1993, which enacted this chapter, sections 60m and 60n of Title 2, The Congress, and sections 6381 to 6387 of Title 5, Government Organization and Employees, amended section 2105 of Title 5, and enacted provisions set out as notes under section 2601 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of this title and Tables.

The Families First Coronavirus Response Act, referred to in subsec. (a)(3)(C), is Pub. L. 116-127, Mar. 18, 2020, 134 Stat. 178. Division E (§§5101-5112) of the Act, known as the Emergency Paid Sick Leave Act, is set out as a note under section 2601 of this title. Division G (§§7001-7005) of the Act is set out as notes under sections 1401 and 3111 of Title 26, Internal Revenue Code. For complete classification of this Act to the Code, see Short Title of 2020 Amendment note set out under section 2601 of this title and Tables.

AMENDMENTS

2020—Subsec. (a)(1)(A). Pub. L. 116-136, §19008(1), which directed amendment of subpar. (A) by inserting cl. (i) designation and heading before “In lieu of”, was not executed due to intervening amendment by Pub. L. 116-136, §3605, see below.

Pub. L. 116-136, §3605, amended subpar. (A) generally. Prior to amendment, text read as follows: “In lieu of the definition in sections 2611(2)(A) and 2611(2)(B)(ii) of this title, the term ‘eligible employee’ means an employee who has been employed for at least 30 calendar days by the employer with respect to whom leave is requested under section 2612(a)(1)(F) of this title.”

Subsec. (a)(1)(A)(ii). Pub. L. 116-136, §19008(2), added cl. (ii) related to special rule regarding eligible employees.

Subsec. (a)(3). Pub. L. 116-136, §3611(1), substituted “553(d)(3)” for “553(d)(A)” in introductory provisions.

Subsec. (a)(3)(C). Pub. L. 116-136, §3611(7), added subpar. (C).

Subsec. (a)(4). Pub. L. 116-136, §3604(a), added par. (4).

Subsec. (b)(2)(B)(ii). Pub. L. 116-136, §3601, added cl. (ii) and struck out former cl. (ii). Prior to amendment, text read as follows: “In no event shall such paid leave exceed \$200 per day and \$10,000 in the aggregate.”

Subsec. (c). Pub. L. 116-136, §3611(3), substituted “subsection (a)(2)(A)” for “subsection (a)(2)(A)(iii)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 116-127, div. C, §3106, Mar. 18, 2020, 134 Stat. 192, provided that: “This Act [div. C of Pub. L. 116-127, enacting this section, amending section 2612 of this

title, and enacting provisions set out as notes under this section] shall take effect not later than 15 days after the date of enactment of this Act [Mar. 18, 2020].”

EMPLOYMENT UNDER MULTI-EMPLOYER BARGAINING AGREEMENTS

Pub. L. 116-127, div. C, §3103, Mar. 18, 2020, 134 Stat. 192, provided that:

“(a) EMPLOYERS.—An employer signatory to a multi-employer collective bargaining agreement may, consistent with its bargaining obligations and its collective bargaining agreement, fulfill its obligations under section 110(b)(2) of title I of the Family and Medical Leave Act of 1993 [29 U.S.C. 2620(b)(2)], as added by the Families First Coronavirus Response Act [Pub. L. 116-127], by making contributions to a multiemployer fund, plan, or program based on the paid leave each of its employees is entitled to under such section while working under the multiemployer collective bargaining agreement, provided that the fund, plan, or program enables employees to secure pay from such fund, plan, or program based on hours they have worked under the multiemployer collective bargaining agreement for paid leave taken under section 102(a)(1)(F) of title I of the Family and Medical Leave Act of 1993 [29 U.S.C. 2612(a)(1)(F)], as added by the Families First Coronavirus Response Act.

“(b) EMPLOYEES.—Employees who work under a multi-employer collective bargaining agreement into which their employers make contributions as provided in subsection (a) may secure pay from such fund, plan, or program based on hours they have worked under the multi-employer collective bargaining agreement for paid leave taken under section 102(a)(1)(F) of title I of the Family and Medical Leave Act of 1993, as added by the Families First Coronavirus Response Act.”

SPECIAL RULE FOR CERTAIN EMPLOYERS

Pub. L. 116-127, div. C, §3104, Mar. 18, 2020, 134 Stat. 192, as amended by Pub. L. 116-136, div. A, title III, §3611(4), Mar. 27, 2020, 134 Stat. 414, provided that: “An employer under section 110(a)(1)(B) of the Family and Medical Leave Act of 1993 [29 U.S.C. 2620(a)(1)(B)] shall not be subject to section 107(a) of such Act [29 U.S.C. 2617(a)] for a violation of section 102(a)(1)(F) of such Act [29 U.S.C. 2612(a)(1)(F)] if the employer does not meet the definition of employer set forth in section 101(4)(A)(i) of such Act [29 U.S.C. 2611(4)(A)(i)].”

SPECIAL RULE FOR HEALTH CARE PROVIDERS AND EMERGENCY RESPONDERS

Pub. L. 116-127, div. C, §3105, Mar. 18, 2020, 134 Stat. 192, provided that: “An employer of an employee who is a health care provider or an emergency responder may elect to exclude such employee from the application of the provisions in the amendments made under of [sic] section 3102 of this Act [div. C of Pub. L. 116-127, enacting this section and amending section 2612 of this title].”

SUBCHAPTER II—COMMISSION ON LEAVE

§ 2631. Establishment

There is established a commission to be known as the Commission on Leave (referred to in this subchapter as the “Commission”).

(Pub. L. 103-3, title III, §301, Feb. 5, 1993, 107 Stat. 23.)

§ 2632. Duties

The Commission shall—

(1) conduct a comprehensive study of—

(A) existing and proposed mandatory and voluntary policies relating to family and temporary medical leave, including policies provided by employers not covered under this Act;