

(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;

(B) the potential costs, benefits, and impact on productivity, job creation and business growth of such policies on employers and employees;

(C) possible differences in costs, benefits, and impact on productivity, job creation and business growth of such policies on employers based on business type and size;

(D) the impact of family and medical leave policies on the availability of employee benefits provided by employers, including employers not covered under this Act;

(E) alternate and equivalent State enforcement of subchapter I with respect to employees described in section 2618(a) of this title;

(F) methods used by employers to reduce administrative costs of implementing family and medical leave policies;

(G) the ability of the employers to recover, under section 2614(c)(2) of this title, the premiums described in such section; and

(H) the impact on employers and employees of policies that provide temporary wage replacement during periods of family and medical leave.

(2) not later than 2 years after the date on which the Commission first meets, prepare and submit, to the appropriate Committees of Congress, a report concerning the subjects listed in paragraph (1).

(Pub. L. 103-3, title III, §302, Feb. 5, 1993, 107 Stat. 23.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in par. (1)(A), (D), 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.

§ 2633. Membership

(a) Composition

(1) Appointments

The Commission shall be composed of 12 voting members and 4 ex officio members to be appointed not later than 60 days after February 5, 1993, as follows:

(A) Senators

One Senator shall be appointed by the Majority Leader of the Senate, and one Senator shall be appointed by the Minority Leader of the Senate.

(B) Members of House of Representatives

One Member of the House of Representatives shall be appointed by the Speaker of the House of Representatives, and one Member of the House of Representatives shall be appointed by the Minority Leader of the House of Representatives.

(C) Additional members

(i) Appointment

Two members each shall be appointed by—

(I) the Speaker of the House of Representatives;

(II) the Majority Leader of the Senate;

(III) the Minority Leader of the House of Representatives; and

(IV) the Minority Leader of the Senate.

(ii) Expertise

Such members shall be appointed by virtue of demonstrated expertise in relevant family, temporary disability, and labor management issues. Such members shall include representatives of employers, including employers from large businesses and from small businesses.

(2) Ex officio members

The Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Commerce, and the Administrator of the Small Business Administration shall serve on the Commission as nonvoting ex officio members.

(b) Vacancies

Any vacancy on the Commission shall be filled in the manner in which the original appointment was made. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

(c) Chairperson and vice chairperson

The Commission shall elect a chairperson and a vice chairperson from among the members of the Commission.

(d) Quorum

Eight members of the Commission shall constitute a quorum for all purposes, except that a lesser number may constitute a quorum for the purpose of holding hearings.

(Pub. L. 103-3, title III, §303, Feb. 5, 1993, 107 Stat. 24.)

§ 2634. Compensation

(a) Pay

Members of the Commission shall serve without compensation.

(b) Travel expenses

Members of the Commission shall be allowed reasonable travel expenses, including a per diem allowance, in accordance with section 5703 of title 5 when performing duties of the Commission.

(Pub. L. 103-3, title III, §304, Feb. 5, 1993, 107 Stat. 25.)

§ 2635. Powers

(a) Meetings

The Commission shall first meet not later than 30 days after the date on which all members are appointed, and the Commission shall meet thereafter on the call of the chairperson or a majority of the members.

(b) Hearings and sessions

The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Com-