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 multiemployer 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 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, 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] this section.''

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.