(Pub. L. 102–530, § 7, Oct. 27, 1992, 106 Stat. 3467.)

### § 2507. Study of barriers to participation of women in apprenticeable occupations and nontraditional occupations

#### (a) Study

With funds available to the Secretary to carry out the operations of the Department of Labor in fiscal years 1994 and 1995, the Secretary shall conduct a study of the participation of women in apprenticeable occupations and nontraditional occupations. The study shall examine—

(1) the barriers to participation of women in apprenticeable occupations and nontraditional occupations;

(2) strategies for overcoming such barriers;

(3) the retention rates for women in apprenticeable occupations and nontraditional occupations;

(4) strategies for retaining women in apprenticeable occupations and nontraditional occupations;

(5) the effectiveness of the technical assistance provided by the community-based organizations; and

(6) other relevant issues affecting the participation of women in apprenticeable occupations and nontraditional occupations.

#### (b) Report

Not later than 2 years after October 27, 1992, the Secretary shall submit to the Congress a report containing a summary of the results of the study described in subsection (a) and such recommendations as the Secretary determines to be appropriate.

(Pub. L. 102–530, § 8, Oct. 27, 1992, 106 Stat. 3467.)

### § 2508. Definitions

For purposes of this chapter:

(1) The term ''community-based organization'' means a community-based organization as defined in section 4(5) of the Job Training Partnership Act (29 U.S.C. 1501(5)),[1] that has demonstrated experience administering programs that train women for apprenticeable occupations or other nontraditional occupations.

(2) The term ''nontraditional occupation'' means jobs in which women make up 25 percent or less of the total number of workers in that occupation.

(3) The term ''Secretary'' means the Secretary of Labor.

(Pub. L. 102–530, § 9, Oct. 27, 1992, 106 Stat. 3468.)

#### Editorial Notes

REFERENCES IN TEXT

Section 4(5) of the Job Training Partnership Act (29 U.S.C. 1501(5)), referred to in par. (1), was classified to section 1503(5) of this title and was repealed by Pub. L. 105–220, title I, § 199(b)(2), (c)(2)(B), Aug. 7, 1998, 112 Stat. 1059, effective July 1, 2000. Pursuant to former section 2940(b) of this title, references to a provision of the Job Training Partnership Act, effective Aug. 7, 1998, were deemed to refer to that provision or the corresponding provision of the Workforce Investment Act of 1998, Pub. L. 105–220, Aug. 7, 1998, 112 Stat. 936, and, effective July 1, 2000, were deemed to refer to the corresponding provision of the Workforce Investment Act of 1998. The Workforce Investment Act of 1998 was repealed by Pub. L. 113–128, title V, §§ 506, 511(a), July 22, 2014, 128 Stat. 1703, 1705, effective July 1, 2015. Pursuant to section 3361(a) of this title, references to a provision of the Workforce Investment Act of 1998 are deemed to refer to the corresponding provision of the Workforce Innovation and Opportunity Act, Pub. L. 113–128, July 22, 2014, 128 Stat. 1425, effective July 1, 2015. For complete classification of the Job Training Partnership Act and the Workforce Investment Act of 1998 to the Code, see Tables. For complete classification of the Workforce Innovation and Opportunity Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

[1] See References in Text note below.

### § 2509. Technical assistance program authorization

There is authorized to be appropriated $1,000,000 to carry out section 2503 of this title.

(Pub. L. 102–530, § 10, Oct. 27, 1992, 106 Stat. 3468.)

## CHAPTER 28—FAMILY AND MEDICAL LEAVE



### § 2601. Findings and purposes

#### (a) Findings

Congress finds that—

(1) the number of single-parent households and two-parent households in which the single parent or both parents work is increasing significantly;

(2) it is important for the development of children and the family unit that fathers and mothers be able to participate in early childrearing and the care of family members who have serious health conditions;

(3) the lack of employment policies to accommodate working parents can force individuals to choose between job security and parenting;

(4) there is inadequate job security for employees who have serious health conditions

that prevent them from working for temporary periods;

(5) due to the nature of the roles of men and women in our society, the primary responsibility for family caretaking often falls on women, and such responsibility affects the working lives of women more than it affects the working lives of men; and

(6) employment standards that apply to one gender only have serious potential for encouraging employers to discriminate against employees and applicants for employment who are of that gender.

**(b) Purposes**

It is the purpose of this Act—

(1) to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity;

(2) to entitle employees to take reasonable leave for medical reasons, for the birth or adoption of a child, and for the care of a child, spouse, or parent who has a serious health condition;

(3) to accomplish the purposes described in paragraphs (1) and (2) in a manner that accommodates the legitimate interests of employers;

(4) to accomplish the purposes described in paragraphs (1) and (2) in a manner that, consistent with the Equal Protection Clause of the Fourteenth Amendment, minimizes the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons, on a gender-neutral basis; and

(5) to promote the goal of equal employment opportunity for women and men, pursuant to such clause.

(Pub. L. 103–3, § 2, Feb. 5, 1993, 107 Stat. 6.)

**Editorial Notes**

REFERENCES IN TEXT

This Act, referred to in subsec. (b), 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 below. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE

Pub. L. 103–3, title IV, § 405, Feb. 5, 1993, 107 Stat. 26, provided that:

''(a) TITLE III.—Title III [enacting subchapter II of this chapter] shall take effect on the date of the enactment of this Act [Feb. 5, 1993].

''(b) OTHER TITLES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), titles I, II, and V and this title [enacting subchapters I and III of this chapter, sections 60m and 60n of Title 2, The Congress, and sections 6381 to 6387 of Title 5, Government Organization and Employees, and amending section 2105 of Title 5] shall take effect 6 months after the date of the enactment of this Act.

''(2) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a collective bargaining agreement in effect on the effective date prescribed by paragraph (1), title I [enacting subchapter I of this chapter] shall apply on the earlier of—

''(A) the date of the termination of such agreement; or

''(B) the date that occurs 12 months after the date of the enactment of this Act.''

SHORT TITLE OF 2020 AMENDMENT

Pub. L. 116–127, § 1, Mar. 18, 2020, 134 Stat. 178, provided that: ''This Act [see Tables for classification] may be cited as the 'Families First Coronavirus Response Act'.''

Pub. L. 116–127, div. C, § 3101, Mar. 18, 2020, 134 Stat. 189, provided that: ''This Act [div. C of Pub. L. 116–127, enacting section 2620 of this title, amending section 2612 of this title, and enacting provisions set out as notes under section 2620 of this title] may be cited as [the] 'Emergency Family and Medical Leave Expansion Act'.''

SHORT TITLE OF 2009 AMENDMENT

Pub. L. 111–119, § 1, Dec. 21, 2009, 123 Stat. 3476, provided that: ''This Act [amending sections 2611 and 2612 of this title] may be cited as the 'Airline Flight Crew Technical Corrections Act'.''

SHORT TITLE

Pub. L. 103–3, § 1(a), Feb. 5, 1993, 107 Stat. 6, provided that: ''This Act [enacting this chapter, sections 60m and 60n of Title 2, The Congress, and sections 6381 to 6387 of Title 5, Government Organization and Employees, amending section 2105 of Title 5, and enacting provisions set out above] may be cited as the 'Family and Medical Leave Act of 1993'.''

EMERGENCY PAID SICK LEAVE RELATED TO COVID–19

Pub. L. 116–127, div. E, Mar. 18, 2020, 134 Stat. 195, as amended by Pub. L. 116–136, div. A, title III, §§ 3602, 3604(b), 3611(2), (5), (6), (8), (9), Mar. 27, 2020, 134 Stat. 410, 411, 414, 415, provided that:

''SEC. 5101. SHORT TITLE.

''This Act [div. E of Pub. L. 116–127] may be cited as the 'Emergency Paid Sick Leave Act'.

''SEC. 5102. PAID SICK TIME REQUIREMENT.

''(a) IN GENERAL.—An employer shall provide to each employee employed by the employer paid sick time to the extent that the employee is unable to work (or telework) due to a need for leave because:

''(1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID–19.

''(2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID–19.

''(3) The employee is experiencing symptoms of COVID–19 and seeking a medical diagnosis.

''(4) The employee is caring for an individual who is subject to an order as described in subparagraph [sic] (1) or has been advised as described in paragraph (2).

''(5) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID–19 precautions.

''(6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Except 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 this subsection.

''(b) DURATION OF PAID SICK TIME.—

''(1) IN GENERAL.—An employee shall be entitled to paid sick time for an amount of hours determined under paragraph (2).

''(2) AMOUNT OF HOURS.—The amount of hours of paid sick time to which an employee is entitled shall be as follows:

''(A) For full-time employees, 80 hours.

''(B) For part-time employees, a number of hours equal to the number of hours that such employee works, on average, over a 2-week period.

''(3) CARRYOVER.—Paid sick time under this section shall not carry over from 1 year to the next.

''(c) EMPLOYER'S TERMINATION OF PAID SICK TIME.—Paid sick time provided to an employee under this Act shall cease beginning with the employee's next scheduled workshift immediately following the termination of the need for paid sick time under subsection (a).

''(d) PROHIBITION.—An employer may not require, as a condition of providing paid sick time under this Act, that the employee involved search for or find a replacement employee to cover the hours during which the employee is using paid sick time.

''(e) USE OF PAID SICK TIME.—

''(1) IN GENERAL.—The paid sick time under subsection (a) shall be available for immediate use by the employee for the purposes described in such subsection, regardless of how long the employee has been employed by an employer.

''(2) SEQUENCING.—

''(A) IN GENERAL.—An employee may first use the paid sick time under subsection (a) for the purposes described in such subsection.

''(B) PROHIBITION.—An employer may not require an employee to use other paid leave provided by the employer to the employee before the employee uses the paid sick time under subsection (a).

''(f) LIMITATIONS.—An employer shall not be required to pay more than either—

''(1) $511 per day and $5,110 in the aggregate for each employee, when the employee is taking leave for a reason described in paragraph (1), (2), or (3) of section 5102(a); or

''(2) $200 per day and $2,000 in the aggregate for each employee, when the employee is taking leave for a reason described in paragraph (4), (5), or (6) of section 5102(a).

''SEC. 5103. NOTICE.

''(a) IN GENERAL.—Each employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees are customarily posted, a notice, to be prepared or approved by the Secretary of Labor, of the requirements described in this Act.

''(b) MODEL NOTICE.—Not later than 7 days after the date of enactment of this Act [Mar. 18, 2020], the Secretary of Labor shall make publicly available a model of a notice that meets the requirements of subsection (a).

''SEC. 5104. PROHIBITED ACTS.

''It shall be unlawful for any employer to discharge, discipline, or in any other manner discriminate against any employee who—

''(1) takes leave in accordance with this Act; or

''(2) has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act (including a proceeding that seeks enforcement of this Act), or has testified or is about to testify in any such proceeding.

''SEC. 5105. ENFORCEMENT.

''(a) UNPAID SICK LEAVE.—An employer who violates section 5102 shall—

''(1) be considered to have failed to pay minimum wages in violation of section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206); and

''(2) be subject to the penalties described in sections 16 and 17 of such Act (29 U.S.C. 216; 217) with respect to such violation.

''(b) UNLAWFUL TERMINATION.—An employer who willfully violates section 5104 shall—

''(1) be considered to be in violation of section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)); and

''(2) be subject to the penalties described in sections 16 and 17 of such Act (29 U.S.C. 216; 217) with respect to such violation.

''(c) INVESTIGATIONS AND COLLECTION OF DATA.—The Secretary of Labor or his designee may investigate and gather data to ensure compliance with this Act in the same manner as authorized by sections 9 and 11 of the Fair Labor Standards Act of 1938 (29 U.S.C. 209; 211).

''SEC. 5106. EMPLOYMENT UNDER MULTI-EMPLOYER BARGAINING AGREEMENTS.

''(a) EMPLOYERS.—An employer signatory to a multiemployer collective bargaining agreement may, consistent with its bargaining obligations and its collective bargaining agreement, fulfill its obligations under this Act by making contributions to a multiemployer fund, plan, or program based on the hours of paid sick time each of its employees is entitled to under this Act 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 and for the uses specified under section 5102(a).

''(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 the uses specified in section 5102(a).

''SEC. 5107. RULES OF CONSTRUCTION.

''Nothing in this Act shall be construed—

''(1) to in any way diminish the rights or benefits that an employee is entitled to under any—

''(A) other Federal, State, or local law;

''(B) collective bargaining agreement; or

''(C) existing employer policy; or

''(2) to require financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for paid sick time under this Act that has not been used by such employee.

''SEC. 5108. EFFECTIVE DATE.

''This Act, and the requirements under this Act, shall take effect not later than 15 days after the date of enactment of this Act [Mar. 18, 2020].

''SEC. 5109. SUNSET.

''This Act, and the requirements under this Act, shall expire on December 31, 2020.

''SEC. 5110. DEFINITIONS.

''For purposes of the Act:

''(1) EMPLOYEE.—The term 'employee' means an individual who is—

''(A)(i) an employee, as defined in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)), who is not covered under subparagraph (E) or (F), including such an employee of the Library of Congress, except that a reference in such section to an employer shall be considered to be a reference to an employer described in clauses (i)(I) and (ii) of paragraph (2)(A); or

''(ii) an employee of the Government Accountability Office;

''(B) a State employee described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a));

''(C) a covered employee, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), other than an applicant for employment;

''(D) a covered employee, as defined in section 411(c) of title 3, United States Code;

''(E) a Federal officer or employee covered under subchapter V of chapter 63 of title 5, United States Code; or

''(F) any other individual occupying a position in the civil service (as that term is defined in section 2101(1) of title 5, United States Code).

''(2) EMPLOYER.—

''(A) IN GENERAL.—The term 'employer' means a person who is—

''(i)(I) a covered employer, as defined in subparagraph (B), who is not covered under subclause (V);

''(II) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991;

''(III) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995;

''(IV) an employing office, as defined in section 411(c) of title 3, United States Code; or

''(V) an Executive Agency as defined in section 105 of title 5, United States Code, and including the U.S. Postal Service and the Postal Regulatory Commission; and

''(ii) engaged in commerce (including government), or an industry or activity affecting commerce (including government), as defined in subparagraph (B)(iii).

''(B) COVERED EMPLOYER.—

''(i) IN GENERAL.—In subparagraph (A)(i)(I), the term 'covered employer'—

''(I) means any person engaged in commerce or in any industry or activity affecting commerce that—

(aa) in the case of a private entity or individual, employs fewer than 500 employees; and

(bb) in the case of a public agency or any other entity that is not a private entity or individual, employs 1 or more employees;

''(II) includes—

(aa) includes [sic] any person acting directly or indirectly in the interest of an employer in relation to an employee (within the meaning of such phrase in section 3(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(d)); and

(bb) any successor in interest of an employer;

''(III) includes any 'public agency', as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)); and

''(IV) includes the Government Accountability Office and the Library of Congress.

''(ii) PUBLIC AGENCY.—For purposes of clause (i)(III), a public agency shall be considered to be a person engaged in commerce or in an industry or activity affecting commerce.

''(iii) DEFINITIONS.—For purposes of this subparagraph:

''(I) COMMERCE.—The terms 'commerce' and 'industry or activity affecting commerce' means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include 'commerce' and any 'industry affecting commerce', as defined in paragraphs (1) and (3) of section 501 of the Labor Management Relations Act of 1947 [probably should be ''Labor Management Relations Act, 1947''] (29 U.S.C. 142(1) and (3)).

''(II) EMPLOYEE.—The term 'employee' has the same meaning given such term in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).

''(III) PERSON.—The term 'person' has the same meaning given such term in section 3(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(a)).

''(3) FLSA TERMS.—The terms 'employ' and 'State' have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

''(4) FMLA TERMS.—The terms 'health care provider' and 'son or daughter' have the meanings given such terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

''(5) PAID SICK TIME.—

''(A) IN GENERAL.—The term 'paid sick time' means an increment of compensated leave that—

''(i) is provided by an employer for use during an absence from employment for a reason described in any paragraph of section 2(a) [probably means section 5102(a)]; and

''(ii) is calculated based on the employee's required compensation under subparagraph (B) and the number of hours the employee would otherwise be normally scheduled to work (or the number of hours calculated under subparagraph (C)), except that in no event shall such paid sick time exceed—

''(I) $511 per day and $5,110 in the aggregate for a use described in paragraph (1), (2), or (3) of section 5102(a); and

''(II) $200 per day and $2,000 in the aggregate for a use described in paragraph (4), (5), or (6) of section 5102(a).

''(B) REQUIRED COMPENSATION.—

''(i) IN GENERAL.—Subject to subparagraph (A)(ii), the employee's required compensation under this subparagraph shall be not less than the greater of the following:

''(I) The employee's regular rate of pay (as determined under section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)).

''(II) The minimum wage rate in effect under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).

''(III) The minimum wage rate in effect for such employee in the applicable State or locality, whichever is greater, in which the employee is employed.

''(ii) SPECIAL RULE FOR CARE OF FAMILY MEMBERS.—Subject to subparagraph (A)(ii), with respect to any paid sick time provided for any use described in paragraph (4), (5), or (6) of section 5102(a), the employee's required compensation under this subparagraph shall be two-thirds of the amount described in clause (B)(i).

''(C) VARYING SCHEDULE HOURS CALCULATION.—In the case of a part-time employee described in section 5102(b)(2)(B) whose schedule varies from week to week to such an extent that an employer is unable to determine with certainty the number of hours the employee would have worked if such employee had not taken paid sick time under section 2(a) [probably means section 5102(a)], the employer shall use the following in place of such number:

''(i) Subject to clause (ii), a number equal to the average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes the paid sick time, including hours for which the employee took leave of any type.

''(ii) If the employee did not work over such period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work.

''(D) GUIDELINES.—Not later than 15 days after the date of the enactment of this Act [Mar. 18, 2020], the Secretary of Labor shall issue guidelines to assist employers in calculating the amount of paid sick time under subparagraph (A).

''(E) REASONABLE NOTICE.—After the first workday (or portion thereof) an employee receives paid sick time under this Act, an employer may require the employee to follow reasonable notice procedures in order to continue receiving such paid sick time.

''SEC. 5111. REGULATORY AUTHORITIES.

''The Secretary of Labor shall have the authority to issue regulations for good cause under sections 553(b)(B) and 553(d)(3) of title 5, United States Code—

''(1) to exclude certain health care providers and emergency responders from the definition of employee under section 5110(1) including by allowing the employer of such health care providers and emergency responders to opt out;

''(2) to exempt small businesses with fewer than 50 employees from the requirements of section 5102(a)(5) when the imposition of such requirements would jeopardize the viability of the business as a going concern; and

''(3) as necessary, to carry out the purposes of this Act, including to ensure consistency between this Act and Division C [see Short Title of 2020 Amendment note set out above] and Division G [enacting provisions set out as notes under sections 1401 and 3111 of Title 26, Internal Revenue Code] of the Families First Coronavirus Response Act [Pub. L. 116–127].

''SEC. 5112. AUTHORITY TO EXCLUDE CERTAIN EMPLOYEES.

''The Director of the Office of Management and Budget shall have the authority to exclude for good cause from the definition of employee under section 5110(1) certain employees described in subparagraphs (E) and (F) of such section [sic], including by exempting certain United States Government employers covered by section 5110(2)(A)(i)(V) from the requirements of this title [probably should be ''this Act''] with respect to certain categories of Executive Branch employees.''

## SUBCHAPTER I—GENERAL REQUIREMENTS FOR LEAVE

### § 2611. Definitions

As used in this subchapter:

**(1) Commerce**

The terms ''commerce'' and ''industry or activity affecting commerce'' mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include ''commerce'' and any ''industry affecting commerce'', as defined in paragraphs (1) and (3) of section 142 of this title.

**(2) Eligible employee**

**(A) In general**

The term ''eligible employee'' means an employee who has been employed—

(i) for at least 12 months by the employer with respect to whom leave is requested under section 2612 of this title; and

(ii) for at least 1,250 hours of service with such employer during the previous 12-month period.

**(B) Exclusions**

The term ''eligible employee'' does not include—

(i) any Federal officer or employee covered under subchapter V of chapter 63 of title 5; or

(ii) any employee of an employer who is employed at a worksite at which such employer employs less than 50 employees if the total number of employees employed by that employer within 75 miles of that worksite is less than 50.

**(C) Determination**

For purposes of determining whether an employee meets the hours of service requirement specified in subparagraph (A)(ii), the legal standards established under section 207 of this title shall apply.

**(D) Airline flight crews**

**(i) Determination**

For purposes of determining whether an employee who is a flight attendant or flight crewmember (as such terms are defined in regulations of the Federal Aviation Administration) meets the hours of service requirement specified in subparagraph (A)(ii), the employee will be considered to meet the requirement if—

(I) the employee has worked or been paid for not less than 60 percent of the applicable total monthly guarantee, or the equivalent, for the previous 12-month period, for or by the employer with respect to whom leave is requested under section 2612 of this title; and

(II) the employee has worked or been paid for not less than 504 hours (not counting personal commute time or time spent on vacation leave or medical or sick leave) during the previous 12-month period, for or by that employer.

**(ii) File**

Each employer of an employee described in clause (i) shall maintain on file with the Secretary (in accordance with such regulations as the Secretary may prescribe) containing information specifying the applicable monthly guarantee with respect to each category of employee to which such guarantee applies.

**(iii) Definition**

In this subparagraph, the term ''applicable monthly guarantee'' means—

(I) for an employee described in clause (i) other than an employee on reserve status, the minimum number of hours for which an employer has agreed to schedule such employee for any given month; and

(II) for an employee described in clause (i) who is on reserve status, the number of hours for which an employer has agreed to pay such employee on reserve status for any given month,

as established in the applicable collective bargaining agreement or, if none exists, in the employer's policies.

**(E) GAO employees**

In the case of an employee of the Government Accountability Office, the requirements of subparagraph (A) shall not apply with respect to leave under section 2612(a)(1)(A) or (B) of this title.

**(3) Employ; employee; State**

The terms ''employ'', ''employee'', and ''State'' have the same meanings given such terms in subsections (c), (e), and (g) of section 203 of this title.

**(4) Employer**

**(A) In general**

The term ''employer''—

(i) means any person engaged in commerce or in any industry or activity affecting commerce who employs 50 or more