

1 “(1) IN GENERAL.—Section 104(a)(1) shall not
2 apply with respect to an employee of an employer
3 who employs fewer than 25 employees if the condi-
4 tions described in paragraph (2) are met.

5 “(2) CONDITIONS.—The conditions described in
6 this paragraph are the following:

7 “(A) The employee takes leave under sec-
8 tion 102(a)(1)(F).

9 “(B) The position held by the employee
10 when the leave commenced does not exist due to
11 economic conditions or other changes in oper-
12 ating conditions of the employer—

13 “(i) that affect employment; and

14 “(ii) are caused by a public health
15 emergency during the period of leave.

16 “(C) The employer makes reasonable ef-
17 forts to restore the employee to a position
18 equivalent to the position the employee held
19 when the leave commenced, with equivalent em-
20 ployment benefits, pay, and other terms and
21 conditions of employment.

22 “(D) If the reasonable efforts of the em-
23 ployer under subparagraph (C) fail, the em-
24 ployer makes reasonable efforts during the pe-
25 riod described in paragraph (3) to contact the

1 employee if an equivalent position described in
2 subparagraph (C) becomes available.

3 “(3) CONTACT PERIOD.—The period described
4 under this paragraph is the 1-year period beginning
5 on the earlier of—

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

9 “(B) the date that is 12 weeks after the
10 date on which the employee’s leave under sec-
11 tion 102(a)(1)(F) commences.”.

12 **SEC. 3103. EMPLOYMENT UNDER MULTI-EMPLOYER BAR-**
13 **GAINING AGREEMENTS.**

14 (a) EMPLOYERS.—An employer signatory to a multi-
15 employer collective bargaining agreement may, consistent
16 with its bargaining obligations and its collective bar-
17 gaining agreement, fulfill its obligations under section
18 110(b)(2) of title I of the Family and Medical Leave Act
19 of 1993, as added by the Families First Coronavirus Re-
20 sponse Act, by making contributions to a multiemployer
21 fund, plan, or program based on the paid leave each of
22 its employees is entitled to under such section while work-
23 ing under the multiemployer collective bargaining agree-
24 ment, provided that the fund, plan, or program enables
25 employees to secure pay from such fund, plan, or program