

TEMPORARY RULE

Paid Leave Under the Families First Coronavirus Response Act

On April 1, 2020, the U.S. Department of Labor announced new action regarding how American workers and employers will benefit from the protections and relief offered by the Emergency Paid Sick Leave Act and Emergency Family and Medical Leave Expansion Act, both part of the Families First Coronavirus Response Act (FFCRA).

FFCRA helps the United States combat the workplace effects of COVID-19 by reimbursing American private employers that have fewer than 500 employees with tax credits for the cost of providing employees with paid leave taken for specified reasons related to COVID-19. The law enables employers to keep their workers on their payrolls, while at the same time ensuring that workers are not forced to choose between their paychecks and the public health measures needed to combat the virus. The Department's Wage and Hour Division administers the paid leave portions of the FFCRA.

The Department promulgated regulations to implement public health emergency leave under Title I of the Family and Medical Leave Act (FMLA) and emergency paid sick leave to assist working families facing public health emergencies arising out of the COVID-19 global pandemic. The leave provisions are created by a time-limited statutory authority established under the FFCRA and are set to expire on December 31, 2020. The temporary rule was operational on April 1, 2020 and is effective from April 2, 2020 through December 31, 2020. On April 10, 2020 the Department published a correction in the Federal Register to make certain technical corrections to the regulatory text and preamble of the temporary rule.

In this temporary rule, the Department:

- Issues rules relevant to the administration of the FFCRA's paid leave requirements.
- Provides direction for administration of the Emergency Paid Sick Leave Act (EPSLA), which requires that certain employers provide up to 80 hours of paid sick leave to employees who need to take leave from work for certain specified reasons related to COVID-19. These reasons may include the following:
 - the employee or someone the employee is caring for is subject to a government quarantine order or has been advised by a health care provider to self-quarantine;
 - the employee is experiencing COVID-19 symptoms and is seeking medical attention; or,

- the employee is caring for his or her son or daughter whose school or place of care is closed or whose child-care provider is unavailable for reasons related to COVID-19.
 - Provides direction for the effective administration of the Emergency Family and Medical Leave Expansion Act (EFMLEA), which requires that certain employers provide up to 10 weeks of paid, and 2 weeks unpaid, emergency family and medical leave to eligible employees if the employee is caring for his or her son or daughter whose school or place of care is closed or whose child care provider is unavailable for reasons related to COVID-19.
- This action is intended to provide guidance to the regulated community as they implement the statutory requirements.



IF YOU NEED HELP WITH THE “TEMPORARY RULE: PAID LEAVE UNDER THE FAMILIES FIRST
CORONAVIRUS RESPONSE ACT” ARTICLE,
PLEASE CONTACT US AT:

407-771-4141 | info@newlandcpi.com | www.newland-associates.com