

Department of Labor Issues Rules on Enforcement of the FFCRA for Employers

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Since its passage on March 18, 2020, employers have been attempting to forecast how the Department of Labor (DOL) will implement the Families First Coronavirus Recovery Act (FFCRA). Today, the DOL provided temporary guidance on the wide-sweeping statute. The DOL's Wage and Hour Division (WHD) is responsible for administering the paid leave portions of the FFCRA. This temporary rule is in effect from April 1, 2020, through December 31, 2020. In this temporary rule, the Department provided 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 COVID-19 reasons. The rule also provides for the 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. The rule addresses intermittent leaves, return to work issues, recordkeeping, employer notices, employee notices, and health care coverage, among other topics in the 124-page rule.

For more information on how to apply the EPSLA and EFMLEA leaves under the FFCRA in light of the temporary rule, please contact a member of the Labor and Employment Team.