

## **The Families First Coronavirus Response Act's (FFCRA's) Emergency Paid-Leave Mandate**

The U.S. Department of Labor (DOL) issued its first official guidance for employers and workers about the paid-leave provisions in the coronavirus relief bill that was signed into law on March 18.

The FFCRA's emergency paid-leave provisions apply to certain public employers and businesses with fewer than 500 employees, but there are exceptions available for small businesses and companies that employ health care workers.

The FFCRA defines “covered employer” to include “any ‘public agency’, as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)).” The Fair Labor Standards Act (FLSA) defines a public agency as “the Government of the United States; the government of a State or political subdivision thereof; any agency of the United States (including the United States Postal Service and Postal Regulatory Commission, a State, or a political subdivision of a State; or any interstate government agency.” The Labor Department has previously clarified that the FLSA definition of “public agency” includes fire protection and law enforcement activities.

Based on the broad definition of “public agency” under the FLSA, the FFCRA’s leave provisions will apply to all federal, state, and local employers, including state and local law enforcement and fire departments.

Many employers will have to provide up to 80 hours of paid-sick-leave benefits if employees need leave to care for their own or someone else's coronavirus-related issues. The legislation also updates the Family and Medical Leave Act (FMLA) to provide workers with job-protected, paid leave when they can't work—either onsite or remotely—because their minor son's or daughter's school or child care service is closed due to the public health emergency.

### **The paid-leave provisions will take effect April 1 and expire on Dec. 31.**

Although employers will face penalties for violations, the DOL announced a nonenforcement period for employers that make good-faith compliance efforts. Enforcement measures will begin April 18. The department will focus on compliance assistance until then and noted that “good faith” means “violations are remedied and the employee is made whole as soon as practicable by the employer, the violations were not willful, and the department receives a written commitment from the employer to comply with the act in the future.”

### **Families First Coronavirus Response Act: Employee Paid Leave Rights**

<https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>

### **Families First Coronavirus Response Act: Employer Paid Leave Requirements**

<https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave>

**Families First Coronavirus Response Act: Questions and Answers**

<https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>

**REQUIRED POSTER: EMPLOYEE RIGHTS PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT**

[https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA\\_Poster\\_WH1422\\_Non-Federal.pdf](https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA_Poster_WH1422_Non-Federal.pdf)

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