



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 is promulgating 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 is effective from April 1, 2020 through December 31, 2020.

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 childcare 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.

PAID LEAVE UNDER THE FFCRA TEMPORARY RULE



This action is intended to provide guidance to the regulated community as they implement the statutory requirements.

Additional Information

- [Final Rule: Paid Leave under the Families First Coronavirus Response Act](#)

Disclaimer: This temporary rule has been submitted to the Office of the Federal Register (OFR) for publication, and is currently pending placement on public inspection at the OFR and publication in the Federal Register. This version of the temporary rule may vary slightly from the published document if minor technical or formatting changes are made during the OFR review process. Only the version published in the Federal Register is the official temporary rule.

- [Press Release \(4/1/2020\): U.S. Department Of Labor Announces New Paid Sick Leave and Expanded Family and Medical Leave Implementation](#)

Fact Sheets

- [Families First Coronavirus Response Act: Employee Paid Leave Rights \(PDF\)](#)
 - [Spanish \(PDF\)](#)
- [Families First Coronavirus Response Act: Employer Paid Leave Requirements \(PDF\)](#)
 - [Spanish \(PDF\)](#)

Questions and Answers

- [Families First Coronavirus Response Act: Questions and Answers](#)

Posters

- [Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave under The Families First Coronavirus Response Act \(FFCRA\)](#)
 - [Spanish](#)
- [Federal Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave under The Families First Coronavirus Response Act \(FFCRA\)](#)
 - [Spanish](#)
- [Families First Coronavirus Response Act Notice – Frequently Asked Questions](#)

Field Assistance Bulletin

- [Field Assistance Bulletin 2020-1: Temporary Non-Enforcement Period Applicable to the Families First Coronavirus Response Act \(FFCRA\)](#)

[WHD Response to COVID-19](#)

For further information about Coronavirus, please visit the HHS's [Centers for Disease Control and Prevention](#).

Source: U.S. Department of Labor, Wage and Hour Division

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