



Legislation Update



What's Happening in HR

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DOL Revised Regulations to Clarify Paid Leave Requirements under the FFCRA in Light of Recent District Court Ruling Holding Some Requirements Invalid

On September 11, the Wage and Hour Division posted revisions to regulations that implemented the paid sick leave and expanded family and medical leave provisions of the Families First Coronavirus Response Act (FFCRA).

The revisions are effective September 16 and;

- Reaffirm and provide additional explanation for the requirement that employees may take FFCRA leave only

if work would otherwise be available to them.

- Reaffirm and provide additional explanation for the requirement that an employee have employer approval to take FFCRA leave intermittently.
- Revise the definition of “healthcare provider” to include only employees who meet the definition of that term under the Family and Medical Leave Act regulations or who are employed to provide diagnostic services, preventative services, treatment services or other services that are integrated with and necessary to the provision of patient care which, if not provided, would adversely impact patient care.
- Clarify that employees must provide required documentation supporting their need for FFCRA leave to their employers as soon as practicable.
- Correct an inconsistency regarding when employees may be required to provide notice of a need to take expanded family and medical leave to their employers.

A copy of the new regulations can be found at [DOL FFCRA Revisions Effective 9-16-2020](#) or [Federal Register FFCRA Document](#)

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