

Clarifying Employer Paid Leave Obligations

This month, the [U.S. Labor Department issued updated regulations](#) clarifying the rules on when employees are entitled to paid leave under the [Families First Coronavirus Response Act](#). The revised rules were issued in response to a [federal district court ruling](#) last month that blocked several of the Department's interpretations in regulations issued in April. In the new regulations, the Department reaffirms that no leave is mandated if the employer's operations (and the worker's job) are closed due to COVID; clarifies that employees must get employer approval as soon as practicable when taking intermittent leave; and narrows the definition of which employees may be exempted from the paid leave mandate under the classification of "health care providers." For parents with children in schools operating on a hybrid in-person/remote learning system, the new regulations clarify that taking leave only on days when their children are learning remotely is not considered intermittent (and therefore does not require employer consent). The revised regulations also give employees more time to provide their employers with documentation about the need for taking paid leave.

The [Families First Coronavirus Response Act](#) (FFCRA) requires nonprofits and other employers to provide two weeks of paid sick leave and 10 weeks of paid family and medical leave (FMLA) for employees who are unable to work for reasons related to COVID-19. FFCRA also provides refundable payroll tax credits to nonprofits and other employers to cover all or some of the costs of the emergency paid sick leave and emergency FMLA that their employees take during the pandemic. See also [DOL answers to frequently asked questions](#), updated Sept. 11, 2020. [Register now](#) for a free webinar, Thur. Sept. 24 at 3:00 pm Eastern, during which Labor Department officials will discuss the rules for paid leave and answer questions from nonprofits.