

# LEGAL UPDATE

## DOL Now Fully Enforcing FFCRA Paid Leave Rules for Coronavirus

After observing a 30-day nonenforcement period to help employers come into compliance with new paid leave rules, the U.S. Department of Labor (DOL) has [announced](#) that it is fully enforcing all provisions of the Families First Coronavirus Response Act (FFCRA).

The FFCRA requires private employers with fewer than 500 employees and certain government employers to provide paid leave for their employees, either for the employees' own health needs or to care for others, for reasons related to the coronavirus (COVID-19) pandemic. These requirements apply for employee leave taken between April 1 and Dec. 31, 2020.

### Temporary Nonenforcement Period

The DOL had previously [indicated](#) that it would not take enforcement actions against covered employers for violations occurring before April 17, 2020, as long as these employers made reasonable, good faith efforts to comply with the law. However, the nonenforcement policy did not apply if a violation was willful or if an employer failed to provide a written commitment to future FFCRA compliance or remedy a violation after receiving a DOL notice.

### Current Enforcement Policy

Now that the temporary policy has expired, the DOL is fully enforcing the FFCRA. Employers may still face retroactive penalties for violations committed during the nonenforcement period under certain circumstances. According to the DOL's frequently asked questions ([FAQs](#)) about the FFCRA, the agency will retroactively enforce violations back to the effective date of April 1, 2020, if employers have not remedied the violations.

Penalties for FFCRA violations include civil lawsuits and criminal charges punishable by imprisonment and fines of up to \$10,000.

### Important Dates

#### **April 1, 2020**

The FFCRA's paid leave requirements for coronavirus went into effect.

#### **April 17, 2020**

A temporary nonenforcement policy for the FFCRA's paid leave provisions expired.

#### **December 31, 2020**

The FFCRA's paid leave requirements expire.

*Employers may face penalties for any unremedied violations committed during the DOL's nonenforcement period.*

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Provided to you by **McGohan Brabender**

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