



KROKIDAS & BLUESTEIN LLP

CLIENT ALERT

**COVID-19 Emergency: New Guidance from
U.S. Department of Labor on New Federal
Paid Leave Requirements;
Emergency Regulations From Massachusetts
Department of Unemployment Assistance.**

Department of Labor Guidance

The Department of Labor (DOL) has published additional guidance on the implementation of the Families First Coronavirus Response Act (FFCRA), signed into law on March 18, 2020, and the two new leave categories, paid leave under the (a) Emergency Paid Sick Leave Act and (b) Emergency Family and Medical Leave Expansion Act (EFMLA). The DOL has provided certain information that is of particular importance to employers in a new Question and Answer guidance located [here](#). Among other things, the DOL has provided the following guidance:

- **Effective Date:** The FFCRA is now effective as of April 1, 2020.
- **Paid Leave Prior to FFCRA implementation:** The FFCRA is not retroactive. If an employer provided paid leave to employees for any of the reasons identified in the Emergency Paid Sick Leave Act, the employer cannot deny paid sick leave to employees under the FFCRA once it is in effect.
- **Impact of Paid Leave on Viability of Business:** The DOL will be issuing regulations detailing how small businesses with less than 50 employees can obtain an exemption to the paid leave provisions of the EFMLA where such paid leave will impact the viability of the business.
- **Required Posters:** Today, the DOL issued the FFCRA poster that employers must post in a conspicuous place. However, an employer satisfies this requirement by either emailing or direct mailing the poster to employees, or posting it on an employee internal or external website. The poster can be found [here](#).

Further details surrounding FFCRA and the paid leave provisions therein can be found in our March 20, 2020 client alert, [here](#).

Emergency DUA Regulations

On March 16, 2020, emergency rules and regulations were enacted by the Department of Unemployment Assistance (DUA) to assist employers and employees in navigating the impacts of COVID-19. These regulations significantly relax prior requirements and deadlines for both employers and employees. These new rules and regulations provide, among other things, that:

- Employees who are on “standby” or furloughed from employment for a temporary period of time are eligible for unemployment benefits. Unemployment will be automatically granted for the initial four (4) week period, subject to an employer’s request to extend this leave for an additional four (4) weeks. The DUA may allow for longer periods of unemployment benefits.
- Employees who have left employment due to a reasonable risk of COVID-19 exposure or infection or to care for a family member, are eligible for unemployment benefits.
- The one week waiting period before receiving benefits has been waived.
- Employers missing deadlines as a consequence of COVID-19 can be excused pursuant to a “good cause” provision.
- Employers whose businesses have been severely impacted as a result of COVID-19 can request extensions for filing and paying contributions to unemployment.
- Requirements for claimants, including attending seminars and searching for work, have been waived.

Krokidas & Bluestein will continue to monitor these changes and we are available to advise clients during this challenging period. If you have questions about employers’ obligations and best practices in light of COVID-19, please contact Attorneys Paul Holtzman (pholtzman@kb-law.com), Jill Brenner Meixel (jmeixel@kb-law.com), Allison Belanger (abelanger@kb-law.com), or Brian Richichi (brichichi@kb-law.com).