

KP Law, P.C. - Important Update regarding Effective Date of Families First Coronavirus Response Act – April 1, 2020

We are receiving many questions about the provisions of the Families First Coronavirus Response Act (Families First Act), and the Coronavirus Aid, Relief, and Economic Security (CARES) Act, as those federal laws apply to public sector employers. Since the passage of the Families First Act on March 18, 2020, the federal Department of Labor (DOL) has issued guidance on its interpretation of the Act, as well as a model notice describing the paid leave rights created by the Families First Act, which employers are required to post or distribute to employees. Copies of this notice can be found by clicking on these links: [English](#) and [Spanish](#). We expect that the DOL will issue implementing regulations this week. In addition, the enactment of the CARES Act on Friday, March 27, 2020 clarifies certain portions of the paid leave provisions of the Families First Act. We will provide you with further information about the CARES Act and the DOL's regulations implementing the Families First Act, once these regulations are issued.

In the meantime, we wanted to alert you to one important development, with respect to the effective date of the Families First Act. While the Act's language expressly states that its Paid Sick Leave and Paid Family Leave provisions take effect no later than 15 days after its enactment, or April 2, 2020, DOL has taken the position that the Act's effective date is **April 1, 2020**. While this effective date has not yet been codified in federal regulations, we believe that the information and guidance already available on DOL's website suggests that this April 1st date will be contained in those pending regulations. Moreover, DOL has also indicated that leave provided prior to April 1 cannot be deducted from the employee's Emergency Paid Sick Leave allotment. In light of these new developments, we think it prudent that municipal employers provide leave under the Families First Act to eligible employees beginning April 1, 2020 (and not April 2).

We are available by e-mail, and as always, telephone on our office lines and mobile phones to answer any additional questions that you have regarding the Families First Act, the CARES Act, or any other labor and employment issue arising in the context of the COVID-19 virus outbreak. In the meantime, from the entire staff and attorneys at KP Law, take good care.

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