

# CCM ALERT

March 25, 2020

Clingen Callow & McLean, LLC

## **Emergency Paid Sick Leave and Emergency FMLA Goes into Effect April 1, 2020 not April 2, 2020!**

The Department of Labor [announced](#) yesterday that Emergency Paid Sick Leave and Emergency FMLA Leave goes into effect on April 1, 2020. Although this is contrary to the date calculated under the statute, all employers who are covered by the Act should be ready by April 1<sup>st</sup>.

Everyone is receiving a torrent of COVID-19 information from reputable and dis-reputable sources. These new official governmental resources are particularly helpful:

### **Department of Labor's Information on Emergency Leaves**

The DOL's [Fact Sheet](#) for Employers along with its [Questions and Answers](#) should provide employers with almost all the information they need to know about the two new paid leaves effective April 1, 2020. Today, March 25<sup>th</sup> is also the day that the DOL should publish its model notice. This site should be the "last word" on emergency leave in effect until the end of the year.

### **OSHA's Information on Employees with COVID-19**

We are receiving many questions about OSHA's General Duty clause and an employer's duty to keep its

workforce safe. Additionally, we are receiving questions about what to do when an employee, his/her family member, or someone more remote tests positive for COVID-19. These scenarios invariably require a case by case analysis, but the best resource is OSHA's [site](#). It also provides clear guidance as to when, infrequently, a COVID-19 infection might be a recordable illness that might potentially rise to the level of a worker's compensation claim.

The advantages of obtaining one's information directly from governmental agency sites is accuracy. The disadvantage is that these sites are updated less quickly than secondary sites and sometimes they are unclear. We will continue to do our best to provide you useful information in a digestible format.

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