

PSEA ALERT!

Discontinuation of FFCRA Leave

Prepared by the PSEA Legal Division

December 23, 2020

A prior alert described provisions of the Families First Coronavirus Response Act (“FFCRA”) which require many American employers to provide qualified employees with two new types of leave: emergency paid sick leave and expanded FMLA leave. The leave-related provisions of the FFCRA will expire on December 31, 2020. This means that, without further action by the U.S. Congress, as of January 1, 2021, employers will no longer be required to provide emergency paid sick leave or expanded FMLA leave to employees who meet the criteria of the now-expired law.

Even if employees have not exhausted their potential FFCRA leave, and even if they began FFCRA leave before January 1, 2021 and remain eligible under the FFCRA, their employer may lawfully end such leave on January 1, 2021. The statutory requirement that such leave must be provided ends on that date.

Of course, even if employers do not provide emergency paid sick leave and expanded FMLA leave in line with the provisions of the expired FFCRA, employers must still provide leave in accordance with applicable state and federal law, collective-bargaining agreements, and employer policies.

Effective Date

The developments described above take effect on January 1, 2021.

Implementation

PSEA members should contact their UniServ Representatives if they have any questions about what types of leaves are available to them.