



APR 01 2020

M E M O

TO: Josh Brammer, OMB Desk Officer

FROM: Amy DeBisschop, Director, Division of Regulations, Legislation, and Interpretation

CC: Fred Licari, OCIO

RE: Request for Emergency Processing of information collection under the Paperwork Reduction Act related to the regulations implementing the Families First Coronavirus Response Act.

On March 18, 2020, President Trump signed the Families First Coronavirus Response Act into law (Public Law 116-127). Division C of the Act is the Emergency Family and Medical Leave Expansion Act and offers temporary expansion of the Family and Medical Leave Act through December 31, 2020. Private sector employers with fewer than 500 workers (and government entities) will have to provide up to 12 weeks of FMLA leave for employees who have been on the job for at least 30 days and who are unable to work or telework because they have to care for a minor child due to the coronavirus. Division E is the Emergency Paid Sick Leave Act. Private sector employers with fewer than 500 workers (and governmental entities) are required to provide employees who cannot work or telework with paid sick time off under certain circumstances. The provisions of the Act take effect no later than fifteen days after the Act is enacted, and expire December 31, 2020. All employees employed by a covered employer are eligible to take paid sick leave under the EPSLA, and all employees who have been employed by a covered employer for at least 30 calendar days are eligible to take leave under the EFMLEA. However, under EFMLEA § 3105 and EPSLA § 5102(a), an employer may exclude employees who are health care providers or emergency responders from leave requirements under the Acts.

The Department of Labor has submitted a Temporary Rule to OMB for review. On March 13, 2020, President Trump declared a National Emergency in response to the growing spread of the coronavirus. As the Families First Coronavirus Response Act takes effect in a few short days, the Department requests emergency processing of the information collection accompanying the Temporary Rule.