

LEGAL UPDATE

NY Sues Trump Administration Over FFCRA Paid Leave Rules

A [lawsuit](#) filed by the New York Attorney General against the U.S. Department of Labor (DOL) alleges that [regulations](#) issued by the federal agency unlawfully narrowed workers' eligibility for paid leave under the Families First Coronavirus Act (FFCRA).

FFCRA Paid Leave

The FFCRA provides paid leave to certain workers for specified coronavirus (COVID-19)-related reasons. Two types of leave are required under the act: emergency paid sick leave of up to 80 hours, and up to 12 weeks of partially compensated emergency family medical leave under an expansion to the Family and Medical Leave Act.

The DOL issued regulations to implement the FFCRA's leave provisions, effective April 2, 2020.

The New York Lawsuit

In its lawsuit, New York claims the regulations violate the FFCRA by:

- Imposing a new work availability requirement that permits employers to deny leave requests;
- Defining the health care provider exemption too broadly;
- Requiring employer consent for intermittent leave; and
- Requiring that employees provide their employers with extensive documentation related to their request for paid leave.

The legal action was filed on April 14, 2020, in federal district court in New York.

Highlights

Families First Coronavirus Response Act (FFRCA)

The FFCRA, passed on March 18, 2020, provides paid leave to certain workers affected by the coronavirus.

DOL Regulations

The DOL issued regulations to implement the FFCRA, effective April 2, 2020.

New York v. DOL

New York challenged the FFCRA regulations in a legal action filed on April 14, 2020.

New York's lawsuit claims DOL regulations unlawfully narrow workers' eligibility for FFCRA leave.

Provided to you by **Acumen Solutions Group**

This Legal Update is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice. ©2020 Zywave, Inc. All rights reserved.

