

**BRANN & ISAACSON**  
ATTORNEYS AND COUNSELORS AT LAW

**CLIENT ALERT: New Guidance Regarding the FFCRA and Maine Earned Paid Leave  
September 18, 2020**

There have been two important developments this week to report (1) the Maine Earned Paid Leave Act final rules were issued on Monday September 24<sup>th</sup>; and (2) the USDOL issued revised regulations on the Families First Coronavirus Response Act (FFCRA). Both topics will be discussed at our Employment Law Update Webinar on Wednesday September 23<sup>rd</sup> at 8 AM. Registration information is available [here](#).

*FFCRA Regulations*

You may recall our [client alert](#) from early August reporting on a New York federal court decision that rejected some key requirements of the Dept. of Labor rules. The Department has responded by issuing new regulations which took effect on Wednesday September 16<sup>th</sup>.

The major change to the FFCRA regulations is the narrower definition of a “health care provider”: only those individuals who meet the definition of a health care provider under the FMLA or those who are employed to provide patient care may be exempted by their employer from taking FFCRA leave. There is also a change to the timing requirements for leave documentation. The Dept. of Labor reaffirmed the existing regulations on work availability and employer consent for intermittent leave.

The complete set of regulations are available [here](#). The Dept. of Labor offers a helpful summary of revisions on [this page](#). Additionally, the Dept. of Labor updated their [FAQ page](#) to address a few questions about the revised regulations (see questions 101-103).

*Maine Earned Paid Leave*

The Paid Leave law takes effect on January 1<sup>st</sup>, 2021. The new rules have been long in the making because of course MDOL has been straight out with unemployment and other pressing matters. The final rules, available [here](#), address topics such as leave accrual, calculating the base rate of pay, and notice of intent to use leave. Additionally, the Maine Dept. of Labor has published a comprehensive FAQ document, available [here](#), and has updated the Regulation of Employment [poster](#). **For more information**, join us in partnership with CMA on October 15<sup>th</sup> at 8 AM for a webinar dedicated to the discussion of the Paid Leave law. Registration information to follow.