



Puerto Rico Labor & Employment Alert

Wage and Hour Division of the United States Department of Labor Guidelines and Questions and Answers

On March 24, 2020, the Wage and Hour Division of the United States Department of Labor (“WHD”) published various guidelines and questions and answers pertaining to COVID-19. Specifically, these are: (1) Field Assistance Bulletin 2020-1: Temporary Non-Enforcement Period Applicable to the *Families First Coronavirus Response Act* (“FFCRA”); (2) FFCRA: Questions and Answers; (3) FFCRA: Employee Paid Leave Rights; (4) FFCRA: Employer Paid Leave Requirements; (5) COVID-19 and the *Fair Labor Standards Act*: Questions and Answers; (6) COVID-19 and the *Family and Medical Leave Act*: Questions and Answers; and (7) WHD Response to COVID-19.

Among other things, the WHD’s publication clarifies that:

a. FFCRA’s paid leave provisions are effective on April 1, 2020 and apply to leaves taken between April 1, 2020 and December 31, 2020. For a more detailed discussion of the FFCRA’s paid leave provisions, see PMA’s Labor Alert dated March 22, 2020.

b. Employers may not deny the new paid leave provided by FFCRA, even if employers had previously authorized a paid leave for a reason identified in the *Emergency Paid Sick Leave Act*, prior to FFCRA’s enactment.

c. All employers covered by the paid sick leave and expanded family and medical leave provisions of the FFCRA (i.e., certain public sector employers and private sector employers with fewer than 500 employees) must post a notice of the FFCRA requirements in a conspicuous place on its premises. An employer may satisfy this requirement by emailing or direct mailing the notice to employees, or posting the notice on an employee information internal or external website.

A Copy of the poster is attached hereto. Alternatively, you may download and print the notice at: <https://www.dol.gov/agencies/whd/poster>

You may find the WHD Questions & Answers and Guidelines at:
<https://www.dol.gov/agencies/whd/pandemic>

We will continue to keep you advised of further developments and are available to answer your questions or doubts on how to comply with the new statutory requirements.

If you have any question or concern, please contact us:

Alicia Figueroa Llinás
afigueroa@pmalaw.com
+1 (787) 274-5253

Juan C. Pérez Otero
jcperez@pmalaw.com
+1 (787) 274-5252

María Isabel Rey Cancio
mrey@pmalaw.com
+1 (787) 274-5243

Héctor Santaella Santé
hsantaella@pmalaw.com
+1 (787) 274-5253

Marcia C. Laurido Soto
mlaurido@pmalaw.com
+1 (787) 274-5247

www.pmalaw.com