

CONSERVATION DISTRICTS AND PAID LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

April 7, 2020

On Monday, April 6, the U.S. Department of Labor (DOL) posted to the Federal Register a [rule implementing provisions of the Families First Coronavirus Response Act \(FFCRA\)](#).

Under FFCRA, employers that have fewer than 500 employees will be required to provide employees with paid leave taken for specified reasons related to COVID-19. Employees are entitled to take leave related to COVID-19 if unable to work because they are subject to federal, state or local quarantine or isolation orders; have been advised by a health care provider to self-quarantine; are experiencing symptoms associated with COVID-19 and are seeking a medical diagnosis; are caring for an individual subject to a quarantine or isolation order; are caring for a child whose school or place of care is closed or unavailable; or are experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services.

Up to two weeks of paid sick leave is available to qualifying employees, although the percentage of pay is dependent on the reason cited for an employee being unable to work.

Under section Section 826.40(c), the DOL rule includes definition of a public employer or public agency, which includes political subdivisions of a state. In most states, conservation districts are political subdivisions of state government, meaning the FFCRA and related Emergency Paid Sick Leave Act (EPSLA) and Emergency Family and Medical Leave Expansion Act (EFMLEA) provisions regarding temporary paid leave would apply. All covered public agencies must comply with both the EPSLA and the EFMLEA regardless of the number of employees they employ. None of the exclusions or exceptions apply to conservation districts that have employees. The law is effective April 1, 2020 and is set to expire Dec. 31, 2020. The DOL will observe a temporary period of non-enforcement for the first 30 days after the FFCRA takes effect, so long as the employer has acted reasonably and in good faith to comply.

The DOL [Wage and Hour Division](#) has additional information, including fact sheets and FAQs on implementing the law, as well as required workplace posters.

NACD continues to assess the needs of conservation districts during this crisis as future federal relief packages are considered. For additional guidance and information, please contact your state agency.