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To: FCA International Contractor Members  
From: FCA International  
Subject: **DOL Guidance: Employees Laid Off Prior to March 2 and the FFCRA**  
Date: April 3, 2020

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The Department of Labor [issued a temporary rule](#) yesterday regarding employee eligibility for the FFCRA's paid leave provisions. Per the new rule, for the purposes of eFMLA, an individual is considered an employee (and therefore eligible for the FFCRA's paid leave provisions) if he or she was on the employer's payroll as of March 2.

Per the DOL:

*"Section 826.30(b)(1)(ii) provides that an employee who is laid off or otherwise terminated by an employer on or after March 1, 2020, is nevertheless also considered to have been employed for at least thirty calendar days, provided the employer rehires or otherwise reemploys the employee on or before December 31, 2020, and the employee had been on the employer's payroll for thirty or more of the sixty calendar days prior to the date the employee was laid off or otherwise terminated. For example, an employee who was originally hired by an employer on January 15, 2020, but laid off on March 14, 2020, would be eligible for leave under the EFMLEA and the EPSLA, if the same employer rehired the employee on October 1, 2020."*