



December 31, 2020

Moving Into The New Year

What To Do When The FFCRA Ends

Update On Cal/OSHA's Emergency Temporary Standards LA And SF Counties Imposes Quarantine Requirement

What Happens When the FFCRA Ends Today?

The emergency paid sick leave and FMLA leave provided under Families First Coronavirus Response Act (FFCRA) are set to expire on December 31, 2020 as is the supplemental paid sick leave provided under California law for employers with 500 or more employees.

This begs the question: what's next? For larger employers, if the employee's California supplemental paid sick leave began on or before December 31, 2020, those employees are entitled to use their full supplemental paid sick leave amount. For employers covered under the FFCRA, effective January 1st they have the option to voluntarily elect to provide FFCRA leave and claim a corresponding payroll tax credit for any available FFCRA sick leave taken through March 31, 2021. Otherwise, employees taking time off for COVID-related reasons could use their accrued employer-provided sick leave or PTO, and the time off may also be covered under the Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA).

It is worth noting that employers are not required to "pay out" any unused FFCRA leave time at the end of 2020. Any balance of unused FFCRA leave will expire on January 1, 2020. Additionally, the FFCRA's job restoration requirements will sunset on December 31, 2020, meaning that if employees are unable to return to work from an FFCRA-covered leave on January 1 (or their next regular workday thereafter) and are not otherwise entitled to protected time off a or disability-based

accommodation, they may be terminated for failing to return. However, due to the many nuances involved, employers should consult with legal counsel before terminating an employee unable to return to work.

Update on Cal/OSHA's Emergency Temporary Standards

As we discussed in our last Client Alert, on December 18th Stradling attended Cal/OSHA's meeting for its stakeholders to receive comments on how to improve, change, or clarify the Emergency Temporary Standards to help employers comply with its terms. During the call Cal/OSHA indicated that it would be providing further clarification soon, but did not provide a specific timeline.

As of December 31st, employers are still waiting to receive further clarification. We anticipate that Cal/OSHA will update the FAQs found [here](#), but the timing of any updates is still unclear. Stradling will continue to keep clients apprised of any changes or other developments.

LA and San Francisco Counties Require Travelers to Quarantine

On December 28th, the Los Angeles County Department of Public Health announced that all travelers who traveled out of the county are required to quarantine for 10 days upon return. Additionally, if any traveler begins to experience symptoms of COVID-19 or tests positive, they should isolate for 10 days and until they are fever free for 24 hours.



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The announcement did not indicate whether travelers who violate the requirement will be penalized and did not specify whether any particular type of travel or distance traveled that would not trigger a quarantine. San Francisco County also issued a travel order earlier this month that requires anyone visiting the city from outside of the Bay Area to quarantine 10 days. Violating San Francisco's order is a misdemeanor.

These orders have potential implications for complying with Cal/OSHA's Emergency Temporary Standards which require employees to be excluded from work until they are no longer subject to an order to isolate. We recommend that employers have protocols in place to refer to if an employee is subject to the LA County or San Francisco County travel quarantine orders.

Stradling Has Resources To Help You Stay Compliant

To assist California employers in complying the various COVID-19 requirements in California, Stradling has created COVID-19 protocols which incorporate all the new requirements of the ETS and help businesses comply with federal, state, and county requirements. We encourage you to reach out if you are in the process of reopening or you have been conducting business and want to make sure you are in compliance with the applicable industry guidelines.

Please do not hesitate to reach out to us for assistance in dealing with the effects of the COVID-19 pandemic on your company.

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