

Will a Biden Administration Push to Expand Paid-Leave Benefits? *SHRM, ft. Philip Voluck*

Philip R. Voluck, managing partner of the KD Blue Bell, PA office and co-chair of KD's Labor & Employment Law Practice Group, is quoted in a SHRM article written by Lisa Nagele-Piazza on the Biden administration and paid leave laws.

Federal coronavirus-related paid-leave benefits are set to expire at the end of the year, and if those benefits aren't extended, some workers may be left without coverage as the pandemic persists through the winter months.

The Families First Coronavirus Response Act (FFCRA), which took effect in April, is a temporary measure that provides COVID-19-related paid-sick-leave and paid-family-leave benefits to certain eligible workers.

Will FFCRA's emergency benefits be renewed as the coronavirus crisis continues? Will President-elect Joe Biden make expanding paid leave a priority? Here's what employment attorneys had to say.

FFCRA Leave

Coronavirus cases in the U.S. recently hit record highs with more than 150,000 new cases reported each day since Nov. 16, according to the U.S. Centers for Disease Control and Prevention. FFCRA benefits will end on Dec. 31 unless Congress renews them. During the Society for Human Resource Management's (SHRM's) Volunteer Leaders' Business Meeting, more than 500 SHRM members discussed the FFCRA leave provisions with congressional offices.

For now, many employers are required to provide up to 80 hours of paid-sick-leave benefits if employees need leave to care for their own or someone else's coronavirus-related issues. The legislation also updated the Family and Medical Leave Act (FMLA) to provide workers with job-protected, paid leave when they can't work—either onsite or remotely—because their son's or daughter's school or child care service is closed due to the public health emergency.

FFCRA's emergency paid-leave provisions apply to certain public employers and businesses with fewer than 500 employees, and there are exceptions available for small businesses and companies that employ health care workers.

Will FFCRA leave be extended? With the upcoming change in the presidential administration, employment attorneys are divided in their predictions.

"It will be renewed," predicted Philip Voluck, an attorney with Kaufman Dolowich & Voluck in Blue Bell, Pa. He said it may be renewed by the Trump administration, noting the Biden administration does not assume office until Jan. 20, 2021. Voluck said new legislation may expand the FFCRA's reach and clarify employer's paid-leave obligations.

Employers covered by FFCRA earn refundable tax credits that reimburse them for the cost of providing paid leave related to COVID-19. "These need to be carried over to any new legislation to ease the financial strain on covered employers," he noted.

State and Local Trends

Some states and cities already provide paid leave, and their laws operate independently of federal law, Voluck explained. "States will likely become even more generous with paid leave," he predicted.