

SUMMER 2020

Supporting American Workers and Businesses

A Virtual Roadshow



OFFICE OF THE ASSISTANT SECRETARY FOR POLICY
UNITED STATES DEPARTMENT OF LABOR

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Regulatory Reform



Regulatory Reform at the Department

U.S. Department of Labor (DOL) is taking meaningful steps to reduce regulatory, paperwork, and reporting burdens on America's workers and job creators while ensuring worker and wage protections

DOL is a leader in producing regulatory cost savings:

\$11.3B+

In cost savings
(FY 2017-19)

11

Deregulatory
actions (FY 2019)

\$7.96B

In cost savings
(FY 2019)

Ranked #2

Among federal
agencies (FY 2019)

Regulatory Reform

- Clarity and Consistency
- Secretary Scalia – Take care that the laws be faithfully executed
 - “We’re an enforcement agency”
- Record-high levels of enforcement
- Compliance assistance keeps good actors out of trouble



Deregulatory Highlights – *Final* Rules

- Overtime
- Joint Employer
- Wagner-Peyser
- Regular Rate
- Association Retirement Plans
- H-2A and H-2B Newspaper Requirements
- Electronic Financial Disclosures
- Fluctuating Workweek
- TRICARE

Deregulatory Highlights – *Proposed* Rules

- Trade Adjustment Assistance
- Temporary Nonagricultural Employment of H-2A Immigrants in the United States
- Tip Regulations Under the Fair Labor Standards Act
- Pre-Determination Notices
- Equal Opportunity for Faith-Based Grantees

Regulatory Reform Task Force

- Identifies confusing and needlessly complicated regulations
- Encourages clarity and consistency
- Rulemaking vs. subregulatory guidance
- Rule on Guidance

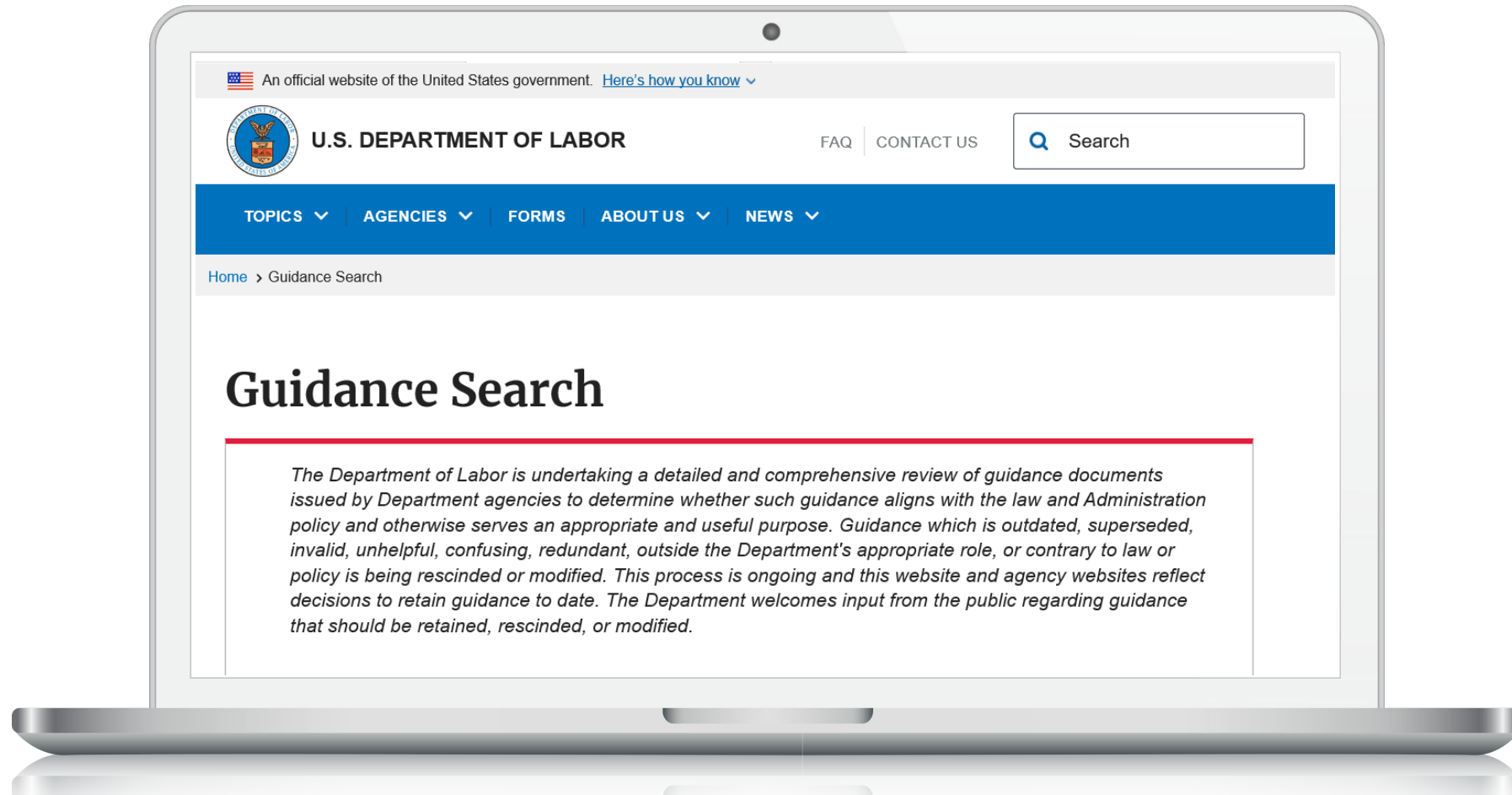


Guidance Review – Don't Misuse Guidance

President's Executive Orders from October 2019:

- All guidance must disclaim force/effect of law
- Retrospective review of guidance
- Make guidance publically available on web portal: www.dol.gov/Guidance
- Permit public to comment on guidance: TalkAboutGuidance@dol.gov

Guidance Portal



Compliance Initiatives



About OCI

Who We Are:

- Launched in August 2018 to complement the Department of Labor's enforcement activities
- Under the Department's Office of the Assistant Secretary for Policy



About OCI

What We Do:

- **Partner with agencies** on innovative compliance assistance to complement enforcement
- **Help employers understand and comply** with DOL laws and regulations
- **Help prevent employment law violations**, letting agencies focus resources on willful offenders



Four Areas of Focus

1

OUTREACH

2

INNOVATION

3

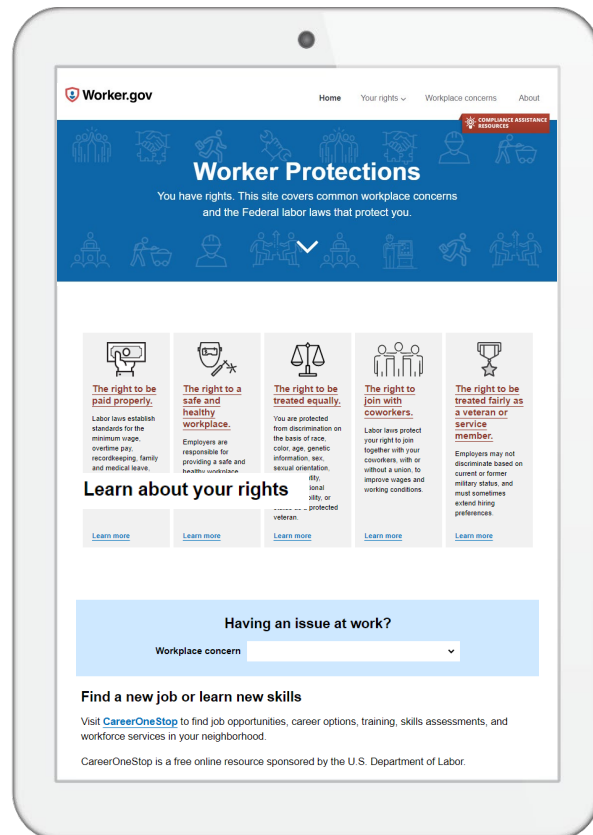
CULTURE

4

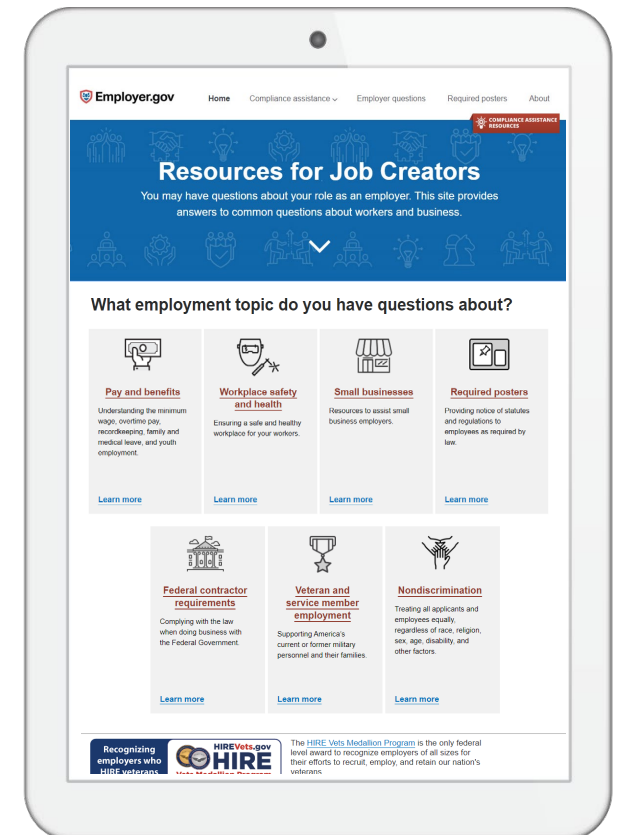
ANALYSIS

Compliance Assistance *Resources*

For Workers:



For Job Creators:



At-a-Glance

A closer look at the compliance assistance numbers:

6,000

Events in
FY 2019

54,000

Attendees at
FY 2019 events

30+

Tools

1,300

Webpages
and publications

FY 2020 Review: OCI Compliance Assistance

- 1. How can we make compliance assistance **more accessible and understandable**?
- 2. How can we **best deliver** compliance assistance **to our stakeholders**?

DOL's Enforcement Agencies	
Employee Benefits Security Administration (EBSA)	Office of Federal Contract Compliance Programs (OFCCP)
Mine Safety and Health Administration (MSHA)	Office of Labor-Management Standards (OLMS)
Occupational Safety and Health Administration (OSHA)	Wage and Hour Division (WHD)

Human-Centered Design

Human-Centered Design (HCD): A framework for designing compliance assistance around the human perspective.

Our goal: Institutionalize HCD to reform our internal practices so we deliver compliance assistance designed for you.



Reimagining Compliance Assistance in the Age of COVID-19

National Online Dialogue

Providing Expanded Family and Medical Leave and Emergency Paid Sick Leave to Employees Affected by COVID-19

1,304

Ideas shared

1,279

Comments

5,146

Registrants



National Online Dialogue

Compliance Assistance Ideas Generated:

- A digital infographic-like tool to determine eligibility for employees and coverage for employers.
- An employee rights poster.
- Resources in many different languages.



National Online Dialogue

Opening America's Workplaces Again

509

Ideas shared

668

Comments

1,775

Registrants



National Online Dialogue

Reopening Ideas Generated:

- Providing safe, accessible, and affordable child care.
- Taking steps to allow small businesses to safely reopen.
- Creating education and training materials on how to reopen safely.



**PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE
UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT**

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

► **PAID LEAVE ENTITLEMENTS**

PAID LEAVE ENTITLEMENTS
Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- ⅔ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at ⅔ for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

► **ELIGIBLE EMPLOYEES**

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.*

► **QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19**

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantining as described in (2);
5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or
6. is experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services.

► **ENFORCEMENT**

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



For additional information
or to file a complaint:
1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd



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12 Languages

مدفوعة وإجرة طبية وعائلية ممتدة بموجب قانون العائلات أولاً
روس كورونا

قانون العلاقات أولا الاستجابة فيروس كورونا (FFCRA أو قانون) يشترط على بعض أصحاب العمل مع إجراء مرصبة مدفوعة الأجر، وإجراء طبية وعقلية
سواء طوعا، لأمراض محددة تتعلق بفيروس كورونا (COVID-19). مرسوم هذه الأوامر بدأ من 1 أبريل 2020 حتى 31 ديسمبر 2020.

• استحقاقات الإجازة مدفوعة الأجر

بشكل عام، يجب على أصحاب العمل - الذين يشملهم القانون- أن يوفروا للموظفين الآتي:

- بضیة ۱۰۰٪ للتأشیرات الضوئیة للفرطوط رقم ۳-۵۱۱ دولار بویوتا ویدجی ۵۱۱۰ دولارات
 - ۳/۴ للتأشیرات الضوئیة للفرطوط رقم ۱ و ۲ دولار بویوتا ویدجی ۴۰۰۰ دولار
 - إرجاع حریة مدفع رقم ۱ الآخر وإرجاع طیاره وکلیه معدله لعدد ۱۲ إلى الفیئة ۵۰۰۰ بضیة حریة ۳/۴ للتأشیرات الضوئیة للفرطوط رقم ۳ دولار، ما یصل إلى ۵۰۰۰ دولار بویوتا ویدجی ۱۰۰۰۰ دولار
- مستند الموثق بعلوم زکرة الحصول على اعادة عدد الصاعقات المزمع المرد عدها، یصل فيها المبلغ خلال تلك الفترة

◀ [المواضيع](#) [المستجدات](#)

يؤكد، يستحق موظفو استضاف الدول في القطاع الخاص الأجر على قدم المساواة مع ٥٠٠ موظف، ويضمن استضاف الدول في القطاع العام الحصول على إجازة مرضية مدفوعة وتكاليف أو جدياً قسمة نصيب إلى أصغر جزء، إذا كانت الأمثلة لتلك الموظفين كبروا (انظر أدناه).

يؤكد الموظفون الذين تم تعيينهم قبل ٢٠ بوشا على الأقل من طلب الإجراء الحصول على مدة نصيب إلى ١٠ أسابيع إضافية من الإجازة الطبية والعائلية المتعددة.

• الأسباب المستوفية لشروط الإحالة التي تنطه، بشروط كورونا

يقع المرفأ الفضول على إقارة لمب بقى قيريس كوروناء إا كل المرفأ عير فاع على الساع با فى ذلكا عا اقراء على الصل عا عا

- [illegible]

Castro

إن إدارة الأجور و سماعات العمل في وزارة العمل الأمريكية (WDH) لديها سلطة التحقق والتوقيع امتثالاً لقانون المبيعات ألا للتدخل في ترويض كورينا



1041622 A9A REV D5.0



إدارة الأمور و ساعات العمل
مدارة الأعمال العامة

OSHA's COVID-19 Response

Seven Steps to Correctly Wear a Respirator at Work

Following these simple steps will help you properly put on and take off your respirator, and keep you and everyone else safe.

- 1 Wash Your Hands**
Wash your hands with soap and water or alcohol-based hand rubs containing at least 60% alcohol.
- 2 Inspect the Respirator**
Inspect the respirator for damage. If it appears damaged or damp, do not use it.
- 3 Put on the Respirator**
Cup the respirator in your hand with the nosepiece at your fingertips and the straps hanging below your hand.
Cover your mouth and nose with the respirator and make sure there are no gaps (e.g., facial hair, hair, and glasses) between your face and the respirator.
Place the strap over your head and rest at the top back of your head. If you have a second strap, place the bottom strap around your neck and below your ears. Do not cross over straps.
- 4 Adjust the Respirator**
Place both hands over the respirator. Inhale quickly and then exhale. If you feel leakage from the nose, readjust the nosepiece. If leakage from the respirator edges, readjust the straps.
- 5 Wear the Respirator**
Repeat until you get a proper seal. If you can't get a proper seal, try another respirator.
Avoid touching the respirator while using it. If you do, wash your hands.
Note: If you reuse your respirator, wear gloves when inspecting and putting on the respirator. Avoid touching your face (including your eyes, nose, and mouth) during the process.
- 6 Remove the Respirator**
Wash your hands.
Remove the respirator from behind. Do not touch the front.
- 7 Dispose of the Respirator**
If the respirator does not need to be reused because of supply shortages, discard it in a closed bin waste receptacle. Wash your hands.
For more information, see the quick video, "Putting On and Taking Off a Mask".

OSHA
www.osha.gov

1-800-321-OSHA (6742)
TTY 1-877-889-5627

Ten Steps All Workplaces Can Take to Reduce Risk of Exposure to Coronavirus

All workplaces can take the following infection prevention measures to protect workers:

- 1 Encourage workers to stay home if sick.
- 2 Encourage respiratory etiquette, including covering coughs and sneezes.
- 3 Provide a place to wash hands or alcohol-based hand rubs containing at least 60% alcohol.
- 4 Limit worksite access to only essential workers, if possible.
- 5 Establish flexible worksites (e.g., telecommuting) and flexible work hours (e.g., staggered shifts), if feasible.
- 6 Discourage workers from using other workers' phones, desks, or other work tools and equipment.
- 7 Regularly clean and disinfect surfaces, equipment, and other elements of the work environment.
- 8 Use Environmental Protection Agency (EPA)-approved cleaning chemicals with label claims against the coronavirus.
- 9 Follow the manufacturer's instructions for use of all cleaning and disinfection products.
- 10 Encourage workers to report any safety and health concerns.

For more information, visit www.osha.gov/coronavirus or call 1-800-321-OSHA (6742).

OSHA
www.osha.gov

1-800-321-OSHA (6742)
TTY 1-877-889-5627

COVID-19 Guidance for Retail Pharmacies

OSHA is committed to protecting the health and safety of America's workers and workplaces during these unprecedented times. The agency will be issuing a series of industry-specific alerts designed to help employers keep workers safe.

In a retail pharmacy, the following tips can help reduce the risk of exposure to the coronavirus:

- Encourage workers who are sick to stay at home.
- Install clear plastic barriers between workers and customers at order/pickup counters.
- Use signage and floor markers to keep waiting customers at least six feet from the counter, other customers, and pharmacy staff.
- Encourage drive-through or curbside pickup and home delivery, where feasible.
- Encourage customers to submit prescriptions online or by phone. Allow customers to provide their insurance information verbally or virtually (e.g., through mobile apps or the pharmacy's website).
- Specify hours dedicated to vulnerable populations (the elderly, people with underlying health conditions, etc.).
- Increase the use of self-serve checkout to minimize worker interaction with customers.
- Limit the number of customers allowed inside the facility at any point.
- Frequently clean and disinfect checkout and customer service counters.
- Provide a place to wash hands and alcohol-based hand rubs containing at least 60 percent alcohol.
- Allow workers to wear cloth face coverings or surgical masks over their nose and mouth to prevent them from spreading the virus.
- Provide gloves and eye and face protection, as necessary, for workers in the pharmacy.
- Pharmacists providing clinical services to patients, such as immunizations, might need additional protections. Consult OSHA's healthcare worker and employer guidance.
- Encourage workers to report any safety and health concerns.

For more information, visit www.osha.gov/coronavirus or call 1-800-321-OSHA (6742).

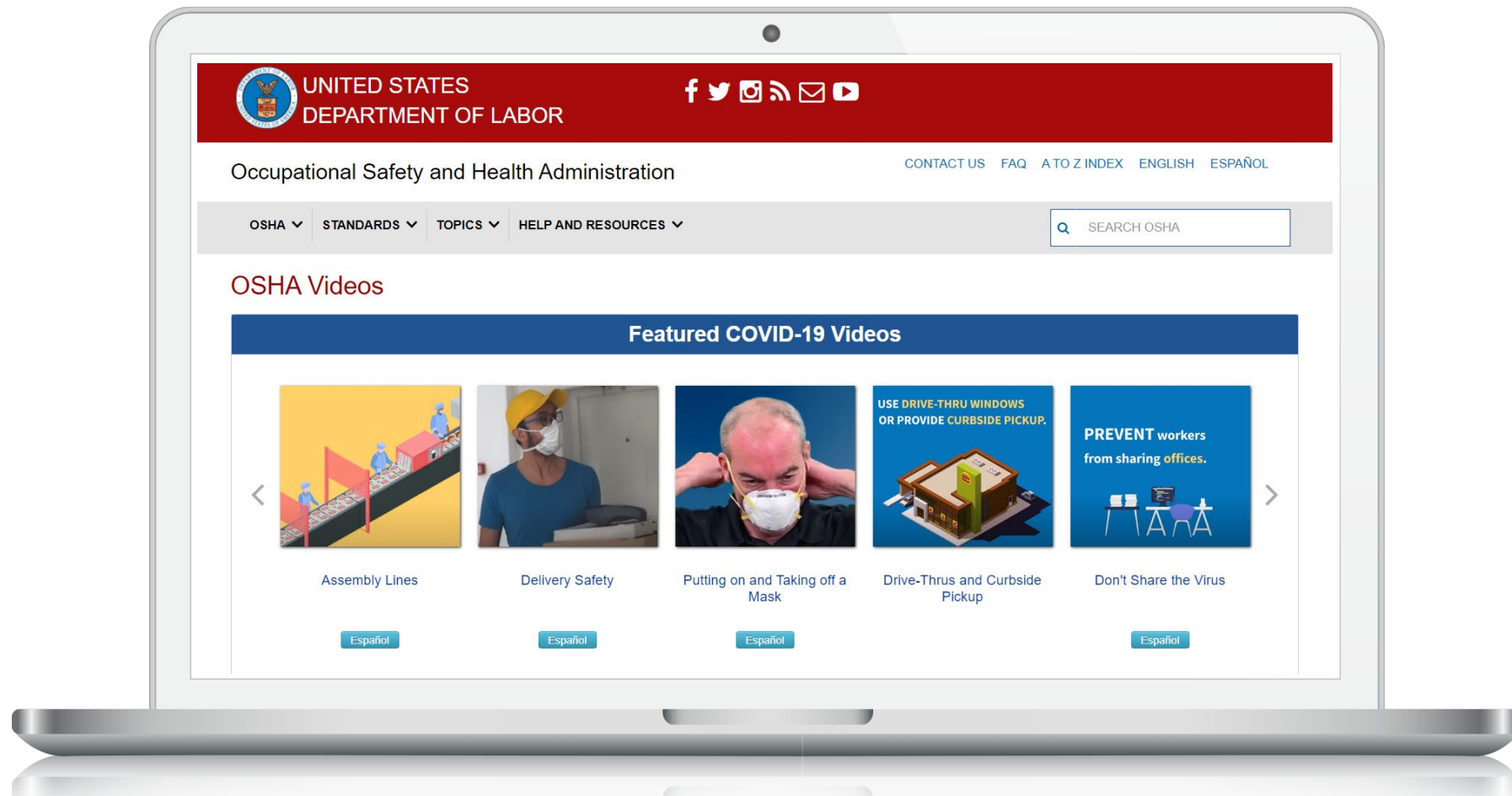
OSHA issues alerts to draw attention to worker safety and health issues and solutions.

OSHA
www.osha.gov

1-800-321-OSHA (6742)
TTY 1-877-889-5627

OSHA
www.osha.gov • osha.gov/coronavirus • 1-800-321-OSHA (6742) • @OSHA_DOL

OSHA's COVID-19 Response



Compliance Assistance by Industry

Resources for Healthcare

OSHA:

- [Temporary Enforcement Guidance for Respirator Fit-Testing](#) in Healthcare During COVID-19 Outbreak
- [Pandemic Influenza Preparedness](#) and Response Guidance for Healthcare Workers and Healthcare Employers
- [Safety & Health Topics: Healthcare](#)
- COVID-19 Control & Prevention: [Healthcare Workers and Employers](#)
- COVID-19 [Guidance for Dental Practitioners](#) in English and Spanish

Resources for Healthcare

OSHA (Continued):

- COVID-19 [Guidance for Nursing Home and Long-Term Care Facility Workers](#) in English and Spanish
- COVID-19 [Guidance for Retail Pharmacies](#) in English and Spanish

Resources for Healthcare

WHD:

- Fact Sheet: [The Employment of Youth in the Health Care Industry](#)
- Fact Sheet: [The Health Care Industry and Hours Worked](#)



Resources for Healthcare

WHD (continued):

- Fact Sheet: [The Health Care Industry and Calculating Overtime Pay](#)
- Fact Sheet: [Home Health Care and the Companionship Services Exemption Under the Fair Labor Standards Act \(FLSA\)](#)



Resources for Emergency Responders

OSHA:

COVID-19 Control and Prevention:
[Emergency Response Workers and
Employers](#)

Resources for Emergency Responders

WHD:

Fact Sheet: [First Responders](#) and the Part 541 Exemptions Under the Fair Labor Standards Act (FLSA)

Contact Us

As we continue to review and innovate compliance assistance, we need to hear from you. Tell us what's working and where we can improve.

Email compliance@dol.gov to share your thoughts.