



Federal Court Strikes Down FFCRA DOL Definition of Healthcare Provider

From ANCOR:

On Monday, a New York federal district issued a ruling that impacts ANCOR members who have been relying on the broadly written DOL health care provider exemption to the paid leave provisions of the Families First Coronavirus Response Act. The decision impacted several provisions, but you need to know the court struck down the broad definition of health care worker. As a reminder, FFCRA applies to employers with 500 or fewer employees.

Does this have nationwide impact? *The Littler attorneys are counseling clients that providers in every state and jurisdiction should assume it does. In other words, you need to comply with the provisions in the law and cannot rely on the broad interpretation of health care provider. Retroactivity is complicated. I strongly recommend you seek legal counsel to understand your options/affirmative defenses.*

Take this seriously. Do not wait for the appeal process in this particular matter/ruling. This is a very significant development. We're fully aware there have been two views of this exemption within our membership, but ANCOR, along with several other national trade associations representing home care providers, advocated for the broad definition of health care provider eligible for exemption.

The court's ruling seems to invite DOL to go back to the drawing board to re-write the exemption to apply to specific types of health care employee as opposed to healthcare providers. We are analyzing next steps.

Please read the [analysis](#) written by the law firm of Littler Mendelsohn carefully. You can also access it [here](#).

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