

HR COMPLIANCE BULLETIN



Families First Coronavirus Response Act Notice—Frequently Asked Questions

As part of [sweeping legislation—the Families First Coronavirus Response Act \(FFCRA\)](#)—signed into law by President Trump on March 18, 2020, two laws were enacted that provide workers with paid leave for reasons related to the coronavirus (COVID-19) pandemic.

- The “Emergency Family and Medical Leave Expansion Act” allows **12 weeks of partially compensated FMLA leave** to care for a child whose school or child care facility has been closed due to COVID-19.
- The “Emergency Paid Sick Leave Act” requires employers to provide **80 hours of paid sick time** to employees in specified circumstances related to COVID-19 exposure and prevention.

The legislation requires covered employers to post a notice of the FFCRA requirements in a conspicuous place on its premises. The U.S. Department of Labor (DOL) has provided separate versions of this notice for [federal](#) and [nonfederal](#) employees. The DOL issued the following [frequently asked questions](#) (FAQs) regarding this notice requirement.

Action Steps

- Employers should familiarize themselves with the new leave requirements to ensure compliance.
- Continue to monitor media and news outlets for updates related to the FFCRA and other federal and state guidance in response to the coronavirus outbreak.
- Small businesses with fewer than 50 employees may qualify for exemption from the requirement to provide leave due to school closings or child care unavailability if the leave requirements would jeopardize the viability of the business as a going concern.

Highlights

- Coronavirus relief legislation requires employers with fewer than 500 employees to provide 12 weeks of FMLA leave for child care reasons related to COVID-19.
- The new FMLA leave must be compensated after the first 10 days, at two-thirds of an employee’s wage, up to \$200 per day.
- Employers must also provide 80 hours of paid sick time for specified reasons related to COVID-19.

Important Dates

March 18, 2020

President Trump signed coronavirus relief legislation into law.

April 1, 2020

The DOL provided guidance that the new paid leave provisions take effect on April 1, 2020.

Dec. 31, 2020

New leave laws sunset.

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Frequently Asked Questions

1. Where do I post this notice? Since most of my workforce is teleworking, where do I electronically “post” this notice?

Each covered employer must post a notice of the FFCRA requirements in a conspicuous place on its premises. An employer may satisfy this requirement by emailing or direct mailing this notice to employees, or by posting this notice on an employee information internal or external website.

2. Do I have to post this notice in other languages that my employees speak? Where can I get the notice in other languages?

You are not required to post this notice in multiple languages, but the DOL is working to translate it into other languages.

3. Do I have to share this notice with recently laid-off individuals?

No, the FFCRA requirements explained on this notice apply only to current employees.

4. Do I have to share this notice with new job applicants?

No, the FFCRA requirements apply only to current employees. Employers are under no obligation to provide the notice of those requirements to prospective employees.

5. Do I have to give notice of the FFCRA requirements to new hires?

Yes. If you hire a job applicant, you must convey this notice to them, either by email, direct mail or by posting this notice on the premises or on an employee information internal or external website.

6. If my state provides greater protections than the FFCRA, do I still have to post this notice?

Yes, all covered employers must post this notice regardless of whether their state requires greater protections. The employer must comply with both federal and state law.

7. I am a small business owner. Do I have to post this notice?

Yes. All employers covered by the FFCRA’s paid sick leave and expanded family and medical leave provisions (that is, certain public sector employers and private sector employers with fewer than 500 employees) are required to post this notice.

8. How do I know if I have the most up-to-date notice? Will there be updates to this notice in the future?

The most recent version of this notice was issued on March 25, 2020. Check the [Wage and Hour Division’s website](#) or sign up for Key News Alerts to ensure that you remain current with all notice requirements.

9. Our employees must report to our main office headquarters each morning and then go off to work at our different worksite locations. Do we have to post this notice at all of our different worksite locations?

The notice must be displayed in a conspicuous place where employees can see it. If they are able to see it at the main office, it is not necessary to display the notice at your different worksite locations.

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10. Do I have to pay for notices?

No. To obtain notices free of charge, contact the DOL's Wage and Hour Division at 1-866-4-USWAGE (1-866-487-9243). Alternatively, you may download and print the notice yourself from <https://www.dol.gov/agencies/whd/posters>.

11. I am running out of wall space. Can I put the required notices in a binder that I put on the wall?

No, you cannot put federal notices in a binder. Generally, employers must display federal notices in a conspicuous place where they are easily visible to all employees—the intended audience.

12. We have break rooms on each floor in our building. Do I have to post notices in each break room on each floor or can I just post them in the lunchroom?

If all of your employees regularly visit the lunchroom, then you can post all required notices there. If not, then you can post the notices in the break rooms on each floor or in another location where they can easily be seen by employees on each floor.

13. Our company has many buildings. Our employees report directly to the building where they work, and there is no requirement that they first report to our main office or headquarters prior to commencing work. Do I have to post this notice in each of our buildings?

Yes. Where an employer has employees reporting directly to work in several different buildings, the employer must post all required federal notices in each building, even if the buildings are located in the same general vicinity (for example, in an industrial park or on a campus).

Source: U.S. Department of Labor