

Labor and Employment

COVID-19 Workplace Guidance – DOL Issues Guidance Regarding Expanded Family and Medical Leave and Sick Leave Under Families First Response Act



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On March 24, 2020, the US Department of Labor (DOL) [announced](#) its first guidance for employers and employees regarding the leave provisions of the Families First Coronavirus Response Act (FFCRA).

As explained in one of our prior [briefings](#), the FFCRA requires, effective April 1, 2020, certain employers to provide employees with paid sick or family leave for specific reasons caused by the COVID-19 pandemic. The DOL's March guidance includes an employer fact [sheet](#), an employee fact [sheet](#) and a list of [Questions and Answers](#). The purpose of this material is to address critical questions such as:

- What reasons qualify for leave;
- The length of a qualifying sick or family/medical leave;
- How an employer must count employees to determine whether it is covered by the FFCRA;
- How small businesses can seek an exemption from the FFCRA;
- How to determine hours worked for part-time employees;
- How to calculate the pay employees must be provided; and
- Penalties and enforcement for alleged FFCRA violations.

Notably, the DOL guidance also explains that it does not consider FFCRA leave to apply retroactively.

Employers will find this information helpful in answering employees questions regarding these leave entitlements and understanding the scope of employee rights. The DOL expects to issue additional guidance regarding the FFCRA before its effective date. In the meantime, employers should carefully review this guidance and consult with counsel regarding any questions they may have.

Conscious of the human, operational and financial strain that coronavirus is placing on businesses and organizations worldwide, Jenner & Block has assembled a multi-disciplinary Task Force to support clients as they navigate the legal and strategic challenges of the COVID-19 / Coronavirus situation.

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