

DOL Publishes FFCRA Poster and New Guidance

Articles, COVID 19: Answers to Business Challenges March 26, 2020

The Families First Coronavirus Response Act (FFCRA) takes effect on **April 1, 2020**. (If you're looking for a good overview of the FFCRA, check out this one from my colleague, Albert Lee.)

Yesterday, the Department of Labor (DOL) published the FFCRA poster that employers must post in a "conspicuous" spot of their workplace. Because so many employees are currently working from home, the DOL stated that employers can satisfy that requirement by emailing or mailing the notice to employees or by posting it on an employee information internal or external website. The DOL also answered a few additional FAQs about the poster requirement [here](#).

Note that a revised poster may be coming soon because this one seems to suggest that employees are entitled to 12, rather than 10, weeks of *paid* leave under the FFCRA's expanded FMLA provisions. While employees could get 12 weeks of *paid* leave if they run the expanded FMLA leave concurrently with the two weeks of emergency paid sick leave, this version of the poster doesn't make that distinction clear. So employers may want to wait a few days to see if the DOL posts an updated version of the poster before circulating it to employees.

Separate from the poster requirement, the DOL also issued broader guidance covering various FFCRA-related issues, including:

- Counting workers to determine whether a company meets the 500 employee threshold;
- Calculating the rate of pay associated with an employee's paid time off; and
- How leave under the expanded FMLA and emergency paid sick leave provisions work together.

If you have any questions, please feel free to contact me by phone (412-594-3938) or email [Jeremy Farrell](mailto:Jeremy.Farrell@tuckerarensberg.com).