

DOL Accelerates Effective Date of FFCRA to April 1;

Provides Sample Mandatory Notice

Late on March 24, 2020, the U.S. Department of Labor (DOL) posted summaries on its website of the employer obligations and employee rights pursuant to the Families First Coronavirus Response Act (FFCRA). The statute requires employers with fewer than 500 employees to provide two weeks of paid sick leave to workers who are suffering from COVID-19, are subject to a government or medical quarantine or isolation order, are caring for others with COVID-19, or are unable to work due to the closure of schools and day care centers as a result of the COVID-19 pandemic.

In its guidance, the DOL stated that the leave provisions are “effective April 1, 2020,” which is one day earlier than the commonly understood effective date for the FFCRA based on its own language.

The DOL’s guidance presents basic information about the FFCRA for employers and employees, as well as FAQs regarding the statute. Significantly, the materials indicate that DOL will issue further guidance on the small business exemption to the FFCRA in April.

Finally, on March 25, the DOL has made available a model notice for businesses covered under the Act. Notice for use by private employers is available at the following URL:

https://www.dol.gov/sites/dolgov/files/WH/ posters/FFCRA_Poster_WH1422_Non-Federal.pdf.

Note that the original notice the DOL posted was incorrect. If you have obtained or downloaded a model notice from another source, make sure the third bullet in the first section begins with “Up to 12 weeks”

You should consult with legal counsel about whether you must post the notice if you are going to seek a small employer exemption to the Act.