DOL Updates Q&A Section Concerning Paid Leave Provisions

Monday, March 30, 2020

Updated March 29, 2020

The Department of Labor once again updated its Q&A section concerning the implementation of the paid leave provisions of the Families First Coronavirus Relief Act. The updated Q&A can be found here: https://www.dol.gov/agencies/whd/pandemic/ffcra-questions.

In a nutshell, the updated Q&As:

- Provide guidance on what documentation is required from employees to allow them to qualify for leave and is required for the employer to qualify for any applicable credit or reimbursement. (See Q&A Nos. 15-16).
- Provide guidance on whether intermittent leave is applicable under these new provisions. (See Q&A Nos. 20-22).
- Provide guidance on how these new paid leave provisions interact with existing accrued PTO available from the employer. (See Q&As Nos. 31-34, and 46).
- Provide guidance to small employers (with less than 50 employees) on how to qualify for an exemption from some of the new paid leave provisions and what documentation will likely be necessary (See Q&A Nos. 4, 39, and 58-59).
- Provide clarification on how leave taken under these new paid leave provisions counts toward leave taken for a “serious health condition” under the FMLA’s traditional provisions. (See Q&A Nos. 44-45).
- Provide clarification that employees are not eligible for these paid leave provisions where they have been furloughed or laid-off. (See Q&A Nos. 23-28).
- Provide guidance relating to the paid leave provisions where there is an applicable multi-employer collective bargaining agreement in place. (See Q&A Nos. 35-37).
- Provide guidance on the definitions of “health care provider” and “emergency responder” as they relate to an employer’s ability to exclude certain employees from the FFCRA’s paid leave provisions. (See Q&A Nos. 56-57).

In addition to the Q&A’s, the Department of Labor posted on its website model “notice” posters for
employers to hang in their workplaces or publish on their websites for their employees to see.

The posters can be found here:


The Department of Labor also posted a link to a Field Assistance Bulletin, found here: https://www.dol.gov/agencies/whd/field-assistance-bulletins/2020-1 which provides that it will not bring any enforcement actions against employers for violations of the FFCRA occurring between March 18 and April 17, 2020 provided the employer has made a “reasonable, good faith” effort to comply with the Act.

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