

# DOL Answers More Coronavirus Paid-Leave Questions

The U.S. Department of Labor (DOL) has added to its list of questions and answers regarding the paid sick leave and paid family leave provisions of the Families First Coronavirus Response Act (FFCRA).

The provisions took effect April 1 and expire Dec. 31. The DOL had announced a nonenforcement period for employers that [make good-faith compliance efforts](#) and correct violations as soon as possible. The department will focus on compliance assistance during that time, and enforcement measures will begin April 18.

In its [most recent Q&A](#), the department clarified that businesses still need to comply with the FFCRA from April 1 through April 17. "Private sector and public employers must comply with the provisions on the effective date even though the department has a limited stay of enforcement until April 17," the DOL said. "Once the department fully enforces the act, it will retroactively enforce violations back until the effective date of April 1, 2020, if employers have not remedied the violations."

The DOL will continue to [add resources to its website](#), so employers should keep checking for updates. "Please continue to use our website as a primary source of information," said DOL Wage and Hour Division Administrator Cheryl Stanton, during an April 1 press conference.

If employers have nuanced questions that are not answered on the website, they can call the DOL at 1-866-487-9243.

## Paid-Leave Mandate

On March 18, President Donald Trump signed the FFCRA ([H.R. 6201](#)) into law. The act provides paid emergency family leave in limited circumstances, as well as paid sick leave for people affected by COVID-19, the respiratory disease caused by the coronavirus. In general, the emergency paid-leave provisions in the legislation apply to businesses with fewer than 500 employees, but there may be some exceptions available for small businesses and companies that employ health care workers.

## First Set of Guidelines

DOL's first guidelines were issued on March 24 and included a [fact sheet for employees](#), a [fact sheet for employers](#) and a [Q&A document](#). Among other guidance, the DOL explained how to calculate pay for sick leave. When employees need time off for a covered reason, the department said, they must be paid for their normally scheduled work hours, even if their regularly scheduled hours exceed 40 a week. Employers should note, however, that they don't have to pay for more than 80 hours of leave in a two-week period.

## Updated Guidelines

The DOL answered key questions about the FFCRA's Emergency Family and Medical Leave Expansion Act (EFMLEA) in [updated guidance](#) issued March 26 and revised again March 28. For instance, the guidance provides that intermittent EFMLEA leave may be taken if the employer and the employee agree to it. Employees must submit documentation that their school or childcare provider is closed so the employer can use it to claim a tax credit for EFMLEA leave. The updated guidance also explains whether paid sick leave and EFMLEA leave are available when offices close, workers are furloughed, or hours are cut. Moreover, the guidance notes that EFMLEA leave is not in addition to regular FMLA leave.

## Temporary FFCRA Regulations

DOL [issued temporary FFCRA regulations](#) on April 1, which provide more details than the Q&As. The regulations confirmed that employees must give notice to their employers of the need to take leave and must provide supporting documentation for requests for paid sick leave and emergency family and medical leave. The IRS also provided [guidance on needed documentation](#).

## Workplace Posters on Employees' Right to Paid Leave

On March 25, the DOL published workplace posters that small and midsize employers can use to fulfill their obligations to notify employees of their rights to expanded paid sick leave and EFMLEA leave under the FFCRA. The two new posters are:

- [Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave under The Families First Coronavirus Response Act \(FFCRA\)](#)
- [Federal Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave under The Families First Coronavirus Response Act \(FFCRA\)](#)

"Providing information to the American workforce is a top priority for the Wage and Hour Division," Stanton said. "We remain committed and are working around the clock to provide the information and tools for employees and employers alike."