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DOL Releases Posting on Families First Coronavirus Response Act (FFCRA) and FAQs on Posting

Introduction

On March 18, 2020, the President signed the Families First Coronavirus Response Act (H.R. 6201, “the FFCRA”). Effective April 1, 2020 (ending December 31, 2020), the FFCRA requires private employers with fewer than 500 employees (and public agencies with one or more employee) to provide: (1) 80 hours of paid sick leave (reduced for part-time employees) for immediate use for six COVID-19 related purposes, and (2) up to 12 weeks of FMLA leave for school closures or where childcare is not available as a result of the COVID-19 crisis to employees after 30 days of employment (the first 10 days are unpaid and up to 10 remaining weeks are paid). Tax credits will be available to offset the cost of these two new provisions. Our Alert ([Alert 2020-05 - Congress Passes Coronavirus Relief Act](#)) has additional details on the Act.

Under the FFCRA, the Department of Labor (DOL) was tasked with releasing a model posting within 7 days of enactment of and released that model posting (or notice) on March 25, 2020. Although the posting was only specifically required to address the new paid sick leave provision of the FFCRA it addresses both paid sick leave as well as the FMLA expansion for leave if an employee is unable to work due to a school closures or where childcare is not available as a result of the COVID-19 crisis. This is likely because the existing FMLA has its own posting requirements and [required poster](#). The DOL also released 13 FAQs about the posting largely excerpted below. Employers should post the [FFCRA Poster for Employers](#) as soon as practicable and review the full text of the [FAQs on this FFCRA posting](#).

DOL FAQs on the FFCRA Posting

1. **Where do I post this notice? Since most of my workforce is teleworking, where do I electronically “post” this notice?**

Each covered employer must post a notice of the FFCRA requirements in a conspicuous place on its premises. An employer may satisfy this requirement by emailing or direct mailing this notice to employees, or posting this notice on an employee information internal or external website.

2. **Do I have to post this notice in other languages that my employees speak? Where can I get the notice in other languages?**

You are not required to post this notice in multiple languages, but the DOL is working to translate it into other languages.

3. **Do I have to share this notice with recently laid-off individuals?**

No, the FFCRA requirements explained on this notice apply only to current employees.

4. **Do I have to share this notice with new job applicants?**

No, the FFCRA requirements apply only to current employees. Employers are under no obligation to provide the notice of those requirements to prospective employees.

5. **Do I have to give notice of the FFCRA requirements to new hires?**

Yes, if you hire a job applicant, you must convey this notice to them, either by email, direct mail, or by posting this notice on the premises or on an employee information internal or external website.

6. **If my state provides greater protections than the FFCRA, do I still have to post this notice?**

Yes, all covered employers must post this notice regardless of whether their state requires greater protections. The employer must comply with both federal and state law.

7. **I am a small business owner. Do I have to post this notice?**

Yes. All employers covered by the paid sick leave and expanded family and medical leave provisions of the FFCRA (i.e., certain public sector employers and private sector employers with fewer than 500 employees) are required to post this notice.

8. **How do I know if I have the most up-to-date notice? Will there be updates to this notice in the future?**

The most recent version of this posting was issued on March 25, 2020. The [DOL Wage and Hour Division's website](#) will have any updates to this and other required postings.

9. **Our employees must report to our main office headquarters each morning and then go off to work at our different worksite locations. Do we have to post this at all of our different worksite locations?**

The notice needs to be displayed in a conspicuous place where employees can see it. If they are able to see it at the main office, it is not necessary to display the notice at your different worksite locations.

10. **Do I have to pay for notices?**

No. To obtain notices free of charge, contact the Department's Wage and Hour Division at 1-866-4-USWAGE (1-866-487-9243). Alternatively, employers download and print the notice [here](#).

11. **I am running out of wall space. Can I put the required notices in a binder that I put on the wall?**

No, you cannot put federal notices in a binder. Generally, employers must display federal notices in a conspicuous place where they are easily visible to all employees—the intended audience.

12. **We have break rooms on each floor in our building. Do I have to post notices in each break room on each floor or can I just post them in the lunchroom?**

If all of your employees regularly visit the lunchroom, then you can post all required notices there. If not, then you can post the notices in the break rooms on each floor or in another location where they can easily be seen by employees on each floor.

13. **Our company has many buildings. Our employees report directly to the building where they work, and there is no requirement that they first report to our main office or headquarters prior to commencing work. Do I have to post this notice in each of our buildings?**

Yes. Where an employer has employees reporting directly to work in several different buildings, the

employer must post all required federal notices in each building, even if the buildings are located in the same general vicinity (e.g., in an industrial park or on a campus).

Conclusion

We will continue to monitor this very fluid situation and provide the latest information on the COVID-19 pandemic, including emerging legal challenges and practical recommendations.

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