



County Risk Sharing Authority

a service program of the County Commissioners Association of Ohio

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March 26, 2020 RISK CONTROL SERVICE BULLETIN

Families First Coronavirus Response Act (FFCRA) Poster

Late in the day on March 25, 2020, the US Department of Labor (DOL) issued a model Families First Coronavirus Response Act (FFCRA) Poster which employers are required to post. The DOL also issued FAQs to assist with posting requirements. We want to forward the FFCRA Poster and FAQs without delay so that appointing authorities can immediately post the FFCRA Poster consistent with DOL guidance. The FFCRA Poster and FAQ's are attached and can also be found at: <https://www.dol.gov/agencies/whd/pandemic>

The FFCRA requires the DOL to issue additional regulations before the FFCRA takes effect on April 1st. These regulations will assist appointing authorities with administration of leaves under the FFCRA; however, DOL regulations are yet to be issued. While there is a sense of urgency to implement employment leave policies under the FFCRA, such urgency should be balanced against the need to craft policies that best serve members and comply with DOL regulations. CORSA is committed to providing members with the best possible resources to comply with the FFCRA. CORSA will issue a best practice Paid Sick Leave and Expanded Family and Medical Leave Under FFCRA Policy very soon. CORSA believes it is wise to draft a policy immediately following the DOL's issuance of regulations. CORSA will immediately provide members a recommend policy upon issuance of the DOL regulations. If DOL regulations have not been issued on or before March 30th, CORSA will provide a policy at that time.

As always, we encourage CORSA members to take advantage of its risk control policies and services at no cost to members, including the HR Helpline, Best Practice Personnel Policy Manual consultation, and HR Toolkit. CORSA policies and services can be found at: www.CORSA.org We appreciate the opportunity to be of service during this challenging time and hope you, your family, and friends are healthy and safe.

This Risk Control Bulletin and attachments is not legal advice nor should it be construed as such. We recommend you consult your Prosecutor or legal advisor should you require a legal opinion. If you have questions regarding this Bulletin or CORSA Risk Management services please contact Frank Hatfield, CORSA Risk Control Manager, at (614) 560-1474 or fhatfield@ccao.org

EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

▶ PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- $\frac{2}{3}$ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 10 weeks more of paid sick leave and expanded family and medical leave paid at $\frac{2}{3}$ for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

▶ ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days* prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

▶ QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to **telework**, because the employee:

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| <ol style="list-style-type: none">1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;2. has been advised by a health care provider to self-quarantine related to COVID-19;3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2); | <ol style="list-style-type: none">5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. |
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▶ ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information
or to file a complaint:
1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd



Families First Coronavirus Response Act Notice – Frequently Asked Questions

- 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 Families First Coronavirus Response Act (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 Department of Labor (Department) 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 notice was issued on March 25, 2020. Check the Wage and Hour Division's website or sign up for Key News Alerts to ensure that you remain current with all notice requirements: www.dol.gov/agencies/whd.

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 notice 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, you may download and print the notice yourself from <https://www.dol.gov/agencies/whd/posters>

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).

Source: <https://www.dol.gov/agencies/whd/pandemic/ffcra-poster-questions>