

DOL Releases Supplemental FFCRA Guidance

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The Department of Labor (“DOL”) provided supplemental guidance to employers seeking to implement the Families First Coronavirus Response Act (“FFCRA”).

The Q&A examples reveal a DOL interpretation that favors employers and specifically limits employee eligibility for paid leave.

Most significantly:

- If a worksite is closed before April 1, regardless of whether the closure was pursuant to a governmental order responsive to COVID-19, employees are not entitled to paid leave;
- If a worksite closes on or after April 1, employers are not obligated to provide paid leave to affected employees, and they can cease payments to employees already on leave;
- Leave may be taken intermittently, especially where employees are teleworking, subject to agreement by the employer and a few exceptions;
- Employees and employers must agree as to whether paid-time off may be used by the employee to supplement paid leave under the FFCRA; and
- Employers must request and retain some documentation from employees that will be used to substantiate employees’ need for leave and employers’ eligibility for corresponding tax credit reimbursements.

[This guidance can be found at this link.](#)

A myriad of situations may arise regarding the Coronavirus and the FFCRA. Please contact any member of Bodman’s Workplace Law Group if you need assistance. We will be providing frequent updates and FAQs as the situation develops.

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