



department of labor releases initial q&a for families first coronavirus response act

Department of Labor Releases Initial Q&A for Families First Coronavirus Response Act, Effective April 1, 2020

Jeremy Mittman and Stephen Franz

MSK Client Alert

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On March 24, 2020 the U.S. Department of Labor ("DOL") published an initial series of "**Questions and Answers**" related to the **Families First Coronavirus Response Act** ("FFCRA"). The FFCRA contains COVID-19-related paid family leave and sick leave provisions which apply to private employers with fewer than 500 employees. Notably, and surprisingly, the DOL states that the FFCRA is effective on April 1, 2020. Because the FFCRA states the leave provisions shall take effect "not later than 15 days" after the March 18, 2020 date of enactment, many assumed that the DOL would begin enforcement on April 2, 2020. The agency did not provide any reason for this accelerated start date.

The Questions and Answers address topics including how an employer may count its employees in determining the 500-employee threshold, whether the paid leave requirements are retroactive, and how to calculate employees' pay for leave purposes (additional detail provided in the guidance itself, copied below). Unfortunately, the Questions and Answers do not answer two of the most pressing **questions** facing many employers: (1) whether "shelter in place" orders are "quarantine or isolation" orders necessitating paid leave under the FFCRA; and (2) whether furloughed employees are eligible for paid leave. Employers should expect further guidance from the DOL in the coming days, including more Q&A, which will hopefully address these critical issues.

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Jeremy Mittman

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