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PH COVID-19 Client Alert Series: Employers Must Post FFCRA Notices ASAP

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On March 18, President Trump signed into law the Families First Coronavirus Response Act (the “Act”), which includes paid sick leave and expanded family and medical leave provisions for small- and medium-sized employers (fewer than 500 employees) with employees who are unable to work or telework due to COVID-19.

Employers’ Notice Requirements

An employer must post conspicuously a notice of the Act’s various requirements. On March 25, the Department of Labor made model notices publicly available.¹ The model notices detail the following information: 1) paid leave entitlements, 2) eligible employees, 3) qualifying reasons for leave related to COVID-19, and 4) enforcement. The Department of Labor also released on its website a series of Questions and Answers regarding the notice requirement.²

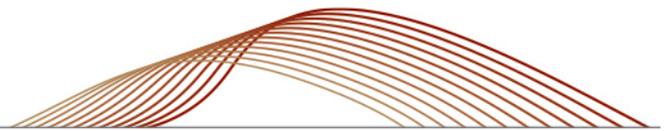
All employers covered by the paid sick leave and expanded family and medical leave provisions of the Act must comply with this notice requirement regardless of whether their state requires greater protections. Employers with a teleworking workforce may satisfy this notice requirement by emailing or direct mailing this notice to employees or posting this notice on an internal or external employee information website. **Employers should post and/or distribute this notice as soon as possible.**

Where To Post Notices

An employer’s posting obligations will depend upon the physical locations where its employees report to work. If employees are able to see the notice at the main office, it is not necessary to display the notice at the employer’s different worksite locations. However, where an employer has employees reporting directly to work in several different buildings, the employer must post this required federal notice in each building, even if the buildings are located in the same general vicinity (e.g., in an industrial park or on a campus). Employers may also post this notice in an employee break room. If all employees regularly visit the lunchroom, then an employer can post this notice there. If not, then the employer can post this notice in the break rooms on each floor or in another location visible to employees on each floor.

How To Stay Up To Date

Paul Hastings will continue to monitor the Department of Labor’s website for updates, but you can also check the Department of Labor’s 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.



If you have any questions concerning these developing issues, please do not hesitate to contact any of the following Paul Hastings lawyers:

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- ¹ The Department's model notices are located here:
https://www.dol.gov/sites/dolgov/files/WH/posters/FFCRA_Poster_WH1422_Federal.pdf
https://www.dol.gov/sites/dolgov/files/WH/posters/FFCRA_Poster_WH1422_Non-Federal.pdf
- ² The Department's series of questions and answers may be found here:
<https://www.dol.gov/agencies/whd/pandemic/ffcra-poster-questions>

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