CLIENT ALERT: U.S. Department of Labor Issues Families First Coronavirus Response Act Notice

As set forth in our prior alert, and the text of the new Families First Coronavirus Response Act ("FFCRA"), on March 25, 2020, the United States Department of Labor ("DOL") published a workplace poster that may be used to satisfy the employer's notice requirements under the new law. The Employee Rights poster may be found here.

Notably, the Employee Rights poster sets forth the paid leave entitlements with the applicable daily and aggregate caps:

- Up to $511 per day or $5,110 total for emergency sick leave related to an employee's own quarantine or COVID-19 symptoms/diagnosis;
- Up to $200 per day and $2,000 total for emergency sick leave related to the care of another individual quarantined or diagnosed, or for a substantially similar condition as determined by the Secretary of Health and Human Services;
- Up to $200 per day and $10,000 total for emergency family and medical leave.

The poster further highlights the $12,000 total cap placed on leave related to child care due to school/daycare closures. In its Q&A, previously discussed here, the DOL made clear that an employee taking leave for this reason would be entitled to up to 12 weeks of leave, and $12,000 **total**, including both emergency paid sick leave and emergency family and medical leave.

Covered employers must post notice of the FFCRA's requirements in a conspicuous place on its premises. The DOL has indicated that 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. Employers are not required to post the notice in multiple languages, but the DOL is working on translating the poster. Further, employers need not share the notice with laid-off employees or new job applicants, but it must give notice to new hires. All covered employers must post this notice even if their state provides greater protections than the FFCRA.

Employers with questions about the FFCRA, notice requirements, or other leave laws should consult with their MBJ attorney.

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