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DOL Issues Guidance on Federal Paid Sick Leave Legislation

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March 27, 2020 - The United States Department of Labor (“DOL”) has issued guidance on the Families First Coronavirus Response Act (the “FFCRA”), the federal legislation passed on March 18, 2020 in response to the COVID-19 pandemic.

Effective April 1, 2020, the FFCRA provides sick leave and other job protections for employees of private sector employers with fewer than 500 employees, and certain public sector employees. For an alert discussing the key highlights of the FFCRA, please click [here](#).

This week, the DOL issued two sets of guidance concerning the FFCRA. Highlights from the guidance follow.

30-day Grace Period

The DOL will not bring enforcement actions against any employer for violations of the FFCRA that occur within 30 days of its enactment (*i.e.*, from March 18 through April 17, 2020), if the employer makes “reasonable, good faith efforts” to comply with the FFCRA by meeting the three following requirements:

1. the employer remedies any violation, *e.g.*, by making all affected employees whole, as soon as practicable;
2. the employer did not “willfully” violate the FFCRA; and
3. the employer provides a written commitment to the DOL to comply with the FFCRA in the future.

Posting the FFCRA Notice

All employers covered by the FFCRA must “post,” by April 1, 2020, a DOL-provided notice describing employee rights under the FFCRA. With regard to the notice requirement:

- The notice must be posted in a “conspicuous place” on the employer’s premises. However, employers can satisfy the “posting” requirement by **emailing or direct mailing the notice to employees, or posting the notice on an employee information internal or external website.**
- The notice requirement applies to current employees and new hires (not laid-off employees).
- Covered employers must post the notice regardless of whether their respective states require greater protections.

A copy of the notice for private employers is available on the DOL website, [here](#).

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