

Coronavirus

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Posting Requirements of the Families First Coronavirus Response Act

The Families First Coronavirus Response Act ("FFCRA"), which goes into effect on April 1, 2020, requires certain employers to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. In association with these benefits, the FFCRA contains a notice requirement whereby employers must post information about the FFCRA in their workplaces. This Client Alert addresses these posting requirements. King & Spalding's labor and employment practice stands ready and able to help clients implement policies and procedures to ensure compliance with the FFCRA.

WHAT NOTICES MUST EMPLOYERS POST TO COMPLY WITH THE FFCRA'S REQUIREMENTS?

Employers covered by the FFCRA (i.e., certain public sector employers and private sector employers with fewer than 500 employees) must post one of the following two notices issued by the Department of Labor:

- Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave under The Families First Coronavirus Response Act (FFCRA).
- Federal Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave under The Families First Coronavirus Response Act (FFCRA).

To obtain these notices free of charge, covered employers should contact the Department of Labor's Wage and Hour Division at 1-866-4-USWAGE (1-866-487-9243). Alternatively, covered employers may download and print the notice themselves.

WHERE MUST EMPLOYERS POST THESE NOTICES? WHAT ABOUT WORKFORCES WHO ARE CURRENTLY TELEWORKING IN RESPONSE TO THE COVID-19 PANDEMIC?

Like other federally required notices (e.g., OSHA, Equal Employment Opportunity in the Law Notice, etc.), each covered employer must post the applicable notice in a conspicuous place on its premises. A covered



employer may also satisfy this requirement by emailing or direct mailing this notice to employees or posting this notice on an employee information internal or external website. Best practice for workforces who are currently teleworking is to physically post the notice in the workplace and digitally distribute the notice by email or the employer's website.

DO EMPLOYERS HAVE TO POST THIS NOTICE IN OTHER LANGUAGES?

Employers are not required to post the applicable notice in multiple languages, but the Department of Labor is working to translate these notices into other languages, should an employer wish to do so.

DO EMPLOYERS HAVE TO SHARE THIS NOTICE WITH RECENTLY LAID-OFF INDIVIDUALS, JOB APPLICANTS, AND/OR NEW HIRES?

The FFCRA requirements explained on this notice apply only to current employees. Consequently, covered employers are under no obligation to provide the applicable notice to former or prospective employees. Newly hired employees, however, must be provided with the applicable notice. Employers are instructed to convey the applicable notice to newly hired employees either by email, direct mail, or by posting the notice on the premises or on an employee information internal or external website.

Additional guidance regarding the FFCRA's notice posting requirements can be found on the Department of Labor's website in the "[Families First Coronavirus Response Act Notice – Frequently Asked Questions](#)."

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