DOL FAQ re Coverage

In addition to the Poster, the Department of Labor (DOL) released helpful additional guidance today regarding the Families First Coronavirus Response Act (FFCRA). They have not yet released their final regulations for enforcement of the Act, however, those are expected in April 2020. The DOL's new Question and Answer page on the FFCRA can be found here: https://www.dol.gov/agencies/whd/pandemic/ffcra-questions.

Here are a key points from that guidance:

Effective Date of the FFCRA

The FFCRA's paid leave provisions are effective starting on **April 1, 2020**,

and apply to leave taken between April 1, 2020 and December 31, 2020.

FFCRA Is Not Retroactive

The provisions of the FFCRA are not retroactive, meaning the provisions only apply to leaves taken between April 1, 2020 and December 31, 2020. If you have provided leave for your employees for the reasons provided in the Act prior to the April 1, 2020 effective date, such payments will not be refundable through the tax credit provision of the Act. Additionally, if an employee was already granted a paid leave for a reason identified in the Act prior to the Act going into effect, they are still entitled to an additional paid leave under the Act beginning on April 1, 2020, as long as they still meet the requirements to take such leave.

To the extent any leaves now allowed under the Act were denied (or provided without pay) prior to April 1, 2020, such actions would not be a violation of the Act. However, starting April 1, 2020 you cannot deny an employee the leave provided for under the Act if all of the requirements for the leave are met.

If you have questions after reviewing the DOL question page, please feel free to reach out. We will have more information about the tax implications and logistics once the IRS and Department of Treasury have provided their guidance. And once Congress passes the proposed 2 trillion dollar bill, hopefully, we will have additional information about programs that may assist you during this crisis.