

U.S. Department of Labor Releases Model Notice Required by the Federal Family First Coronavirus Response Act

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On March 25, 2020, the U.S. Department of Labor's Wage and Hour Division ("WHD") released the [model notice](#) that covered employers must post regarding the Families First Coronavirus Response Act ("FFCRA"), along with [Frequently Asked Questions](#) regarding the notice requirements. You can read more about the recently enacted FFCRA [here](#), as well as the WHD's initial FFCRA guidance [here](#).

Under the FFCRA, covered employers must provide eligible employees with paid sick leave and paid family and medical leave for certain Coronavirus-related reasons. Covered employers are also required to post a notice of the law to employees "in conspicuous places on the premises of the employer where notices to employees are customarily posted." The WHD offered the following guidance on how employers may satisfy the FFCRA notice requirements.

Who Must Post the Notice?

The notice requirements apply to all employers covered by the FFCRA, which includes private sector employers with fewer than 500 employees and certain public sector employers regardless of size. Small business owners who are deemed covered employers are not exempt from the notice requirements. Additionally, the guidance notes that all covered employers must post the notice even if a state law provides for greater leave benefits or protections than the FFCRA.

How Should the Notice Be Posted or Distributed?

As mentioned, the law requires covered employers to post the FFCRA notice in “conspicuous places” on its premises. Importantly for employers with a significant portion of their workforce presently working remotely, the guidance clarifies that employers may satisfy the posting requirement for remote workers by: (1) emailing the notice to employees; (2) directly mailing the notice to employees; or (3) posting the notice on the employer’s internal or external website.

If an employer is physically posting the notice in the workplace, the WHD offers the following guidance on how to satisfy the notice requirement in various situations:

- If employees report to a main office or headquarters each day and then go off to work at different worksite locations, the employer need only post the notice at the main office/headquarters so long as it is a conspicuous place where employees can see it. The employer in this case would not be required to post the notice at every worksite location.
- If employees work in different locations and do not first report to a main office or headquarters each day, the notice must be posted in each work location, even if the locations are in close proximity to each other (such as multiple buildings on a shared corporate campus).
- If there is a common location in a building that all employees regularly visit (such as a lunchroom), an employer need only post the notice in that location. If that is not the case, the employer should post the notice in a break room or other readily visible location on each floor of the building.
- Employers may not satisfy the notice requirement by placing the notice in a binder, as opposed to posting it on a wall.

Who Must Receive the Notice?

Covered employers are only required to share the notice with current employees and new hires. The guidance clarifies that recently laid-off employees do not need to be provided with the notice. Employers also do not need to provide the notice to prospective employees.

What Other Things Do Employers Need to Know?

Covered employers are not required to post the notice in languages other than English. However, the Department of Labor is going to translate the notice into other languages and make those notices available to employers for their voluntary use.

With regard to ensuring that employers are posting the most up-to-date version of the notice, the guidance states that covered employers should visit the [WHD website](#) or sign up for Key News Alerts to ensure they have the most up-to-date model notice. The most recent version was issued on March 25, 2020.

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