



e-Alert

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DOL Updates Q&As on Employee Leave Under the FFCRA — Again!

Background

On September 16, 2020, the US Department of Labor (DOL) provided further updates to the questions and answers (Q&As) they had originally released. The revision included three new Q&As, updated six of its existing Q&As about emergency paid sick leave, and further expanded family and medical leave under the Families First under the Families First Coronavirus Response Act (FFRCA).

Summary

The three **new** Q&As are as follows:

- **101** — **When were the invalidated provisions of the Department's FFCRA paid leave regulations vacated?** (added September 11, 2020)
- **102** — **Where did the District Court's order vacating certain provisions of the FFCRA paid leave regulations apply?** (added September 11, 2020)
- **103** — **When do the revisions to the Department's FFCRA paid leave regulations become effective?** (added September 11, 2020)

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The six **updated** Q&As are as follows:

- **16** — **What documents do I need to give my employer to get paid sick leave or expanded family and medical leave?** *[Updated to reflect the Department's revised regulations which are effective as of the date of publication in the Federal Register.]*
- **21** — **May I take my paid sick leave intermittently while working at my usual worksite (as opposed to teleworking)?** *[Updated to reflect the Department's revised regulations which are effective as of the date of publication in the Federal Register.]*
- **22** — **May I take my expanded family and medical leave intermittently while my child's school or place of care is closed, or childcare provider is unavailable, due to COVID-19 related reasons, if I am not teleworking?** *[Updated to reflect the Department's revised regulations which are effective as of the date of publication in the Federal Register.]*
- **56** — **Who is a "health care provider" who may be excluded by their employer from paid sick leave and/or expanded family and medical leave?** *[Updated to reflect the Department's revised regulations which are effective as of the date of publication in the Federal Register.]*
- **98** — **My child's school is operating on an alternate day (or other hybrid-attendance) basis. The school is open each day, but students alternate between days attending school in person and days participating in remote learning. They are permitted to attend school only on their allotted in-person attendance days. May I take paid leave under the FFCRA in these circumstances?** (added 08/27/2020) *[Updated to reflect the Department's revised regulations which are effective as of the date of publication in the Federal Register.]*
- **99** — **My child's school is giving me a choice between having my child attend in person or participate in a remote learning program for the fall. I signed up for the remote learning alternative because, for example, I worry that my child might contract COVID-19 and bring it home to the family. Since my child will be at home, may I take paid leave under the FFCRA in these circumstances?** (added 08/27/2020) *[Updated to reflect the Department's revised regulations which are effective as of the date of publication in the Federal Register.]*

Employer Next Steps

- Employers should review the DOL's [most recent guidance](#) and apply these guidelines as they continue dealing with the COVID-19 pandemic.
- If you are a Full-Service or Virtual HR client and would like our assistance with updating your return-to-work and Equal Employment Opportunity (EEO) policies, please [email us](#).

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