



e-Alert

01.22.21

DOL Issues New Q&As on FFCRA Leave Requirements

Background

The Department of Labor (DOL) has issued two additional [Q&As](#) clarifying the Families First Coronavirus Response Act (FFCRA) employee leave.

Summary

Q&A 104 - No unused leave after December 31, 2020

Employers are not required to provide employees with FFCRA leave after December 31, 2020, even if an employee did not use their entire allotment of leave balances. Employers may choose to voluntarily provide this leave under the Consolidated Appropriations Act. Those employers voluntarily extending leave are eligible to receive tax credits for leave provided until March 31, 2021. [Read](#) HRK's summary on this voluntary extension.

Q&A 105 - Compensation for leave before December 31, 2020

Employees must be compensated for any FFCRA leave taken prior to December 31, 2020. Employees that have not been compensated by their employer for any FFCRA leave taken prior

This content is provided with the understanding that HR Knowledge is not rendering legal advice. While every effort is made to provide current information, the law changes regularly and laws may vary depending on the state or municipality. The material is made available for informational purposes only and is not a substitute for legal advice or your professional judgment. You should review applicable laws in your jurisdiction and consult experienced counsel for legal advice. If you have any questions regarding this content, please contact [HR Knowledge](#).



to December 31, 2020, may file a complaint with the DOL's Wage and Hour Division within two years of the last action alleged to be in violation of the FFCRA.

Employer Next Steps

- You should keep accurate records of any leaves in 2021 while remaining consistent with granting employees continued FFCRA leave.
- Ensure that your employees are compensated for any FFCRA leave taken prior to December 31, 2020.
- Continue to monitor guidance from HRK and government agencies regarding FFCRA and other COVID-19-related legislation.
- If you are a Full-Service or Virtual HR client and would like our assistance with updating your policy, please [email us](#).

The People Simplifying HR

For almost twenty years, HR Knowledge has made it our mission to demystify the complex and daunting process of HR management. We do more than just provide the level of service and technology you'd expect from an industry leader. We combine unparalleled passion for service with our decades of HR, payroll, and benefits experience to provide our clients with personalized and actionable advice that is second—to—none. From managed payroll to employee benefits to HR support, we can help your organization thrive, grow, and reduce operating costs—no matter what industry you serve. Whether you're interested in our Full-Service solution or just need your employee handbook written, HR Knowledge can help you minimize risk while staying on top of compliance regulations. The bottom line? We're not just another cloud-based technology company that also does HR, #WeAreHR. [Get the scoop](#) on how we can help you simplify HR.



@WEAREHRK