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DOL Issues Workplace Posters For Paid Leave Act

The U.S. Department of Labor (DOL) has released the posters which employers are required to display in connection with the new Families First Coronavirus Response Act ("FFCRA"). 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. The DOL also published the following FAQ's regarding the specifics of the posting requirement, and can be found below in their entirety:

1. **Where do I post this notice? Since most of my workforce is teleworking, where do I electronically "post" this notice?**

Each covered employer must post a notice of the Families First Coronavirus Response Act (FFCRA) requirements in a conspicuous place on its premises. An employer may satisfy this requirement by emailing or direct mailing this notice to employees, or posting this notice on an employee information internal or external website.

2. **Do I have to post this notice in other languages that my employees speak? Where can I get the notice in other languages?**

You are not required to post this notice in multiple languages, but the Department of Labor (Department) is working to translate it into other languages.

3. **Do I have to share this notice with recently laid-off individuals?**

No, the FFCRA requirements explained on this notice apply only to current employees.

4. **Do I have to share this notice with new job applicants?**

No, the FFRCA requirements apply only to current employees. Employers are under no obligation to provide the notice of those requirements to prospective employees.

5. **Do I have to give notice of the FFCRA requirements to new hires?**

Yes, if you hire a job applicant, you must convey this notice to them, either by email, direct mail, or by posting this notice on the premises or on an employee information internal or external website.

6. **If my state provides greater protections than the FFCRA, do I still have to post this notice?**

Yes, all covered employers must post this notice regardless of whether their state requires greater protections. The employer must comply with both federal and state law.

7. **I am a small business owner. Do I have to post this notice?**

Yes. All employers covered by the paid sick leave and expanded family and medical leave provisions of the FFCRA (i.e., certain public sector employers and private sector employers with fewer than 500 employees) are required to post this notice.

8. How do I know if I have the most up-to-date notice? Will there be updates to this notice in the future?

The most recent version of this notice was issued on March 25, 2020. Check the Wage and Hour Division's website or sign up for Key News Alerts to ensure that you remain current with all notice requirements: www.dol.gov/agencies/whd.

9. Our employees must report to our main office headquarters each morning and then go off to work at our different worksite locations. Do we have to post this notice at all of our different worksite locations?

The notice needs to be displayed in a conspicuous place where employees can see it. If they are able to see it at the main office, it is not necessary to display the notice at your different worksite locations.

10. Do I have to pay for notices?

No. To obtain notices free of charge, contact the Department's Wage and Hour Division at 1-866-4-USWAGE (1-866-487-9243). Alternatively, you may download and print the notice yourself from https://www.dol.gov/agencies/whd/posters

11. I am running out of wall space. Can I put the required notices in a binder that I put on the wall?

No, you cannot put federal notices in a binder. Generally, employers must display federal notices in a conspicuous place where they are easily visible to all employees—the intended audience.

12. We have break rooms on each floor in our building. Do I have to post notices in each break room on each floor or can I just post them in the lunchroom?

If all of your employees regularly visit the lunchroom, then you can post all required notices there. If not, then you can post the notices in the break rooms on each floor or in another location where they can easily be seen by employees on each floor.

13. Our company has many buildings. Our employees report directly to the building where they work, and there is no requirement that they first report to our main office or headquarters prior to commencing work. Do I have to post this notice in each of our buildings?

Yes. Where an employer has employees reporting directly to work in several different buildings, the employer must post all required federal notices in each building, even if the buildings are located in the same general vicinity (e.g., in an industrial park or on a campus).

For more information on the Families First Coronavirus Response Act, please see our prior alert here: https://www.kaufmandolowich.com/news-resources/emergency-families-first-coronavirus-act-becomes-law-how-employers-are-impacted/

The attorneys in KD's Labor & Employment Law Practice Group continue to closely monitor developments on the law and update employers as the legal landscape continues to evolve. If you have questions about these developments, complying with the above regulations or are in need assistance in implementing the new policies, please contact one of the experienced Labor & Employment Law attorneys at Kaufman Dolowich & Voluck at (516) 681-1100.

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