



## ***DOL FFCRA Regulations***

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### ***Qualifying Reasons for Leave Related to COVID-19***

Under the Families First Coronavirus Response Act (FFCRA), an employee at a business with fewer than 500 employees or at certain public entities is entitled to take leave related to COVID-19 if the employee is unable to work because he or she:

1. Is subject to a federal, state or local quarantine or isolation order.
2. Has been advised by a health care provider to self-quarantine.
3. Is experiencing symptoms associated with COVID-19 and is seeking a medical diagnosis.
4. Is caring for an individual subject to a quarantine or isolation order.
5. Is caring for a child whose school or place of care is closed or unavailable due to coronavirus-related reasons.
6. Is experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services. The agency has not specified any other substantially similar condition yet.

Up to two weeks of paid sick leave is available to qualifying employees. For the first three reasons, the amount of pay is based on either the employee's regular rate of pay or the applicable state or minimum wage, whichever is higher, and it is to be paid at 100 percent, up to \$511 daily and \$5,110 total. For the fourth and sixth reasons, the amount of pay is two-thirds of either the employee's regular rate of pay or the applicable state or minimum wage, whichever is higher, up to \$200 daily and \$2,000 total.

### ***Documentation Needed for Leave***

The DOL regulations explain that for paid sick leave or expanded family and medical leave, an employer may require employees to follow reasonable notice procedures as soon as practical. That can be after the first workday or portion of a workday for which an employee receives paid sick leave in order to continue to receive such leave, the DOL stated in the preamble to the regulations.



**The DOL said the employee must provide a signed statement containing:**

- The employee's name.
- The date(s) for which leave is requested.
- The coronavirus-qualifying reason for leave.
- A statement that the employee can't work or telework because of this reason.

In addition, an employee must provide the name of the government entity that issued the quarantine or isolation order to which the employee is subject, if that is the reason for paid sick leave, according to the DOL.

An employee seeking leave because he or she is self-quarantined must provide the name of the health care provider making the quarantine recommendation. Someone caring for a person who is quarantined must provide either the government entity that issued the quarantine or isolation order or the name of the health care provider who advised the individual to self-quarantine.

**The DOL said an individual requesting expanded family and medical leave must provide:**

- The name of the child being cared for.
- The name of the school, place of care or childcare provider that closed or became unavailable due to coronavirus reasons.
- A statement representing that no other suitable person is available to care for the child during the period of requested leave.

The normal FMLA certification rules apply to an employee's own serious health condition related to the coronavirus and to the employee's need to care for a spouse, son, daughter or parent with a serious health condition.

If an employee fails to give proper notice, the employer should give him or her notice of the failure and an opportunity to provide the required documentation prior to denying the request for leave.