

Updated DOL FAQs Related to Employer Obligations and Employee Rights under the FFCRA

The Department of Labor (DOL) has once again updated its [frequently asked questions](#) to clarify questions related to employee rights and employer obligations under the Families First Coronavirus Response Act (the Act). Some of the new Q&As repeat [DOL's regulatory guidance that we recently reported](#). Here are the highlights of the **new** guidance:

When is an employee eligible for paid sick leave to self-quarantine/self-isolate?

An employee is eligible if a health care provider directs or advises an employee to quarantine because the employee may have COVID-19 or is particularly vulnerable to COVID-19, and the quarantine/isolation prevents the employee from working (or teleworking).

Can an employee receive paid sick leave for contracting COVID-19 if he/she self-isolates without being ordered to by a health care provider?

No. An employee may not unilaterally decide to self-quarantine for an illness without medical advice, even if the employee has COVID-19 symptoms.

When is an employee eligible for paid sick leave to care for someone who is subject to a quarantine or isolation order?

An employee is eligible when providing such care prevents the employee from working or teleworking. Additionally, an employee may only take paid sick leave to care for an individual who genuinely needs care, or if the relationship creates an expectation that the employee would care for that person.

What is a “place of care” (for purposes of child care-related leave)?

It is a physical location at which care is provided for an employee's child. The physical location does not have to be solely dedicated to such care. Examples include day care facilities, preschools, before- and after-school care programs, schools, homes, **summer camps**, **summer enrichment programs**, and respite care programs.

Who is a “child care provider” (for purposes of child care-related leave)?

A child care provider is someone who cares for the employee's child. This includes individuals paid to provide child care, like nannies, au pairs, and babysitters. It also includes individuals who provide child care at no cost and without a license on a regular basis, for example, grandparents, aunts, uncles, or neighbors.

When is a school or place of care “closed” for purposes of the Act?

If the physical location where the employee's child received instruction or care is now closed, the school or place of care is “closed” for purposes of the Act, even if that school is now providing online classes or some other form of distance learning.

Can an employee take paid leave under the Act to care for a child other than his/her own?

- For expanded family and medical leave purposes, the answer is no. This is only available for the employee's own "son or daughter."
- For paid sick leave, the answer is maybe. If the child is an "individual" subject to a federal, state, or local quarantine that needs care, the employee may be entitled to take leave. But specific child care related leave is only available for the employee's "son or daughter."

Can more than one guardian take paid leave under the Act for child care-related reasons?

An employee may take paid sick leave or expanded family and medical leave to care for a child **only when** the employee needs to, and actually is, caring for that child **if** the employee is unable to work or telework as a result of providing care. Generally, an employee does not need to take such leave if a co-parent, co-guardian, or the usual child care provider is available to provide care.

May an employee take paid leave under the Act if he/she is receiving workers' compensation or temporary disability benefits through an employer or state-provided plan?

In general, the answer is no. An employee receiving workers' compensation benefits because he/she is unable to work may not take leave under the Act. But if the employee is able to return to light duty and a qualifying reason prevents him/her from working, he/she may take leave under the Act.

May an employee take paid leave under the Act if he/she is on an employer-approved leave of absence?

It depends. If the leave of absence was voluntary, then the employee may end the leave of absence and take leave under the Act if a qualifying reason prevents him/her from working. But he/she may not take leave under the Act if the leave of absence is mandatory because this mandatory leave, and not a qualifying reason for leave, is what prevents the employee from working.

Will the DOL begin enforcing the Act immediately?

The DOL will not bring enforcement actions against any public or private employer for violations of the Act occurring within 30 days of the enactment of the Act (i.e., March 18 – April 17, 2020), so long as the employer has made reasonable, good faith efforts to comply with the Act. This does not mean that employers can delay compliance with the Act until the period of non-enforcement has ended.

Our prior articles on the Act and related DOL guidance are available in the Chambliss [COVID-19 Insight Center](#). We will continue to monitor the guidance on the Act and other legal developments in connection with the COVID-19 pandemic. Please contact [Jim Catanzaro](#), [Justin Furrow](#), or your relationship attorney if you have questions or need additional information.

Visit our COVID-19 Insight Center for our latest legislative and legal updates, articles, and resources.

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