



Families First Coronavirus Response Act CHECKLIST

The new **Families First Coronavirus Response Act (FFCRA)** expands employee benefits and protections related to COVID-19. It creates a new federal paid sick leave law, an emergency expansion of the Family and Medical Leave Act (FMLA) and expanded unemployment insurance provisions. The Act goes into effect **April 1, 2020** and will remain effective **through December 31, 2020**.

CHECKLIST

1. Read [CAWP's Summary of Families First Coronavirus Response Act](#)

2. Determine if your company is covered by the FFCRA:

☐ **YES – fewer than 500 employees (full-time and part-time) within the United States**

Continue on with this checklist

☐ **NO - 500 or more employees (full-time and part-time) within the United States**

No need to go through the rest of this checklist.

NOTE OF CAUTION: *This is based on the number of employees at the time any particular employee requests or qualifies for FFCRA leave, so this is subject to change if you are currently above the threshold but may be cutting your workforce in one or more locations. If in doubt, proceed at least with #3 below.*

3. Determine if your company may qualify for the Small Business Exemption (fewer than 50 employees):

☐ **YES – fewer than 50 employees – Continue with checklist but research exemption possibility for leave payout.**

Your company may qualify for this exemption if the leave requirements would jeopardize the viability of the business as a going concern. The DOL provides more details in Questions #58 & #59 of their [FFCRA Q & A](#). Further guidance on how to apply is forthcoming from the DOL. In the meantime, the DOL has specified that businesses should NOT send any documentation to DOL.

☐ **NO – 50 or more employees – Continue with checklist.**

4. Provide all CURRENT employees and new hires with the FFCRA Employee Paid Leave Rights Notice from the US DOL

Applies to all employers unless exempt due to 500 or more employees. Post on jobsite or at workplace with other employer postings. An employer may also satisfy this requirement by emailing or direct mailing this notice to employees, or posting this notice on an employee information internal or external website.

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5. Determine whether any of your employees may be eligible for FFCRA.

DOL's interpretations limit or potentially exclude many employees' eligibility under the FFCRA. For example, the following are excluded:

- *If an employee is laid off prior to April 1*
- *If an employee is laid off from a job or project that is expected to re-open in the future*
- *If an employee is on furlough*
- *If an employee's regular hours are reduced, but not eliminated*

Review the [DOL FFCRA Q & A](#) in its entirety before you determine any employee's eligibility under the FFCRA.

