

**MORE GUIDANCE ON IMPLEMENTING PAID SICK LEAVE/ EXPANDED FMLA –  
3/30/2020 UPDATE**

The Department of Labor has issued further guidance for businesses trying to implement the paid sick leave and expanded FMLA provisions of FFCRA. DOL has added even more guidance to their Q&A Document. A link to the updated Q&A is [here](#). They have added about 20 new questions and answers, which provide additional guidance, including on the following issues:

- Making clear that the amount of leave available under the FMLA expansion is limited by the number of weeks an employee still has available to them under regular FMLA. So, if an employee has already used eight weeks of FMLA in the applicable 12 month period, they would only have four weeks to use under the FMLA expansion. – **Questions 44 & 45**
- Making clear that COVID-19 sick leave is in addition to any and all other forms of company or state mandated sick leave. -- **Question 46**
- Defining full-time employees (entitled to 80 hours of sick leave) as employees normally scheduled to work 40 hours or more per week and part-time employees (entitled to the number of hours they average over a two-week period) as employees scheduled to work fewer than 40 hours. – **Questions 48 & 49**
- Providing detail on what a small business (fewer than 50 employees) needs to show to demonstrate that providing COVID-19 sick leave and FMLA would jeopardize the viability of the business as a going concern and thus need not be provided. – **Questions 58 & 59**
- Providing employees with DOL contact information if they believe their employer is not complying with the Act. – **Questions 41 & 42**
- Defines the “health care provider” exemption broadly to include “anyone employed at” various health care facilities, as well as other entities that contract with the health care providers to offer services or that maintain the operations of the facility. – **Question 56**

DOL is continuously updating its guidance for employers; the Loomis Law Firm will continue to strive to keep our clients and others updated on this information as it is released. If you have questions or need specific guidance, please do not hesitate to contact the attorneys at Loomis, Ewert, Parsley, Davis & Gotting P.C. Please contact Kevin J. Roragen, Esq. [kjroragen@loomislaw.com](mailto:kjroragen@loomislaw.com)