

Employee Owned



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Additional DOL Guidance on Coronavirus and Federal Employment Laws

On July 20, 2020, the U.S. Department of Labor (DOL) announced the agency's publication of additional guidance on applying federal employment laws in the context of the COVID-19 pandemic. This new information is added to the existing Q&As the agency issued earlier this year about the operation of the federal Family and Medical Leave Act (FMLA), the Fair Labor Standards Act (FLSA) and the Families First Coronavirus Response Act (FFCRA) for workplace COVID-19 situations.

FLSA FAQs

The DOL's new [guidance](#) on COVID-19 and the FLSA addresses topics such as teleworking and compensable time, maintaining employees' exempt and non-exempt status, and hazard pay.

FMLA FAQs

In addition to substituting "COVID-19" for "influenza" in many places, the new [guidance](#) on COVID-19 and the FMLA adds questions including:

- Whether a telemedicine appointment can establish a serious medical condition under the statute (yes, if the appointment meets certain requirements); and
- Whether the FMLA prohibits employers from requiring a COVID-19 test of employees returning from FMLA leave (no, where the testing requirement is unrelated to FMLA leave and applies to all employees).

Employers should be aware that while the DOL's Q&As on the FMLA continue to assert that there is no paid employee leave requirement under federal law, the FFCRA does require paid leave for specified COVID-19-related reasons.

FFCRA FAQs

Issues addressed by the DOL's additional [Q&As](#) on the FFCRA include requiring employees returning from FFCRA leave to be tested for COVID-19 and the availability of FFCRA leave after a furlough.