

EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

▶ PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- ⅔ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at ⅔ for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

▶ ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.*

▶ QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to **telework**, because the employee:

- | | |
|---|---|
| <ol style="list-style-type: none">1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;2. has been advised by a health care provider to self-quarantine related to COVID-19;3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2); | <ol style="list-style-type: none">5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. |
|---|---|

▶ ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information
or to file a complaint:
1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd



FAMILIES FIRST CORONAVIRUS RESPONSE ACT (“FFCRA”)

	Family Leave Emergency Pay (Amendments to FMLA)	Emergency Sick Pay (in addition to FMLA)
To Whom It Applies	<p>Employers with less than 500 employees and public sector employers</p> <p>The Secretary of Labor will be permitted when writing regulations to exempt certain healthcare providers for good cause shown and to exempt businesses with less than 50 employees when the requests of FFCRA would jeopardize the viability of the business as a going concern.</p>	<p>Employers with less than 500 employees and public sector employers</p> <p>Additionally, individuals acting directly in the interest of an employer in relation to the employee can be considered an employer.</p> <p>Like the FMLA amendments, the Secretary of Labor will be permitted when writing regulations to exempt certain healthcare providers for good cause shown and to exempt business with less than 50 employees when the requests of FFCRA would jeopardize the viability of the business as a going concern.</p>
Eligible Employee	Employee will mean any individual who has been employed for at least 30 calendar days by the employer from whom leave is requested.	Employee is any individual employed by the employer. This is the FLSA definition of employee.
Qualifying Events	<p>Amends Section 102(a)(1), 29 U.S.C. §2612(a)(1), to add an additional Section that permits employees to take leave when an emergency with respect to COVID-19 is declared by a Federal, state or local authority and</p> <p>(1) an employee is unable to work or telework due to a need to care for his/her son or daughter under the age of 18 if the student’s school or place of care has been closed; or (2) if the childcare provider of the son or daughter is unavailable, due to the public healthcare emergency.</p>	<ol style="list-style-type: none"> (1) Employee is subject to a Federal, state, or local quarantine or isolation order related to COVID-19; (2) The employee has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19; (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis; (4) The employee is caring for an individual who is subject to an order set forth in (1) or (2) above; (5) The conditions of the Family Leave Emergency Pay Amendment provisions are met; or (6) Employee is experiencing any other substantially similar condition specified by the Secretary of the Health and Human Services in consultation with the Secretary of the Treasury and Secretary of Labor.

FAMILIES FIRST CORONAVIRUS RESPONSE ACT (“FFCRA”)

	Family Leave Emergency Pay (Amendments to FMLA)	Emergency Sick Pay (in addition to FMLA)
<p>Leave Required and Pay</p>	<p>(1) Unpaid leave for the first 10 days in which employee takes the leave. However, if an employee has any form of paid leave with the employer (vacation, sick leave, PTO, etc.) the employee may elect to substitute the paid leave during the first 10 days.</p> <p>(2) After ten days the leave becomes paid leave.</p> <ul style="list-style-type: none"> > The pay cannot be less than 2/3 of the employees’ regular hourly rate of pay as defined by the FLSA. > Based on the number of hours the employee would normally be scheduled to work or if employee works a variable schedule from week to week and employer cannot determine with certainty the number of hours the employee would work then you pay based on the average scheduled hours per day over the previous six months. If employee has worked less than six months and works a variable schedule, the “reasonable expectation” of what employee would work on average per day at the time hiring. > In no event will the paid leave exceed \$200 per day and \$10,000 in the aggregate. This would equate to 10 work weeks at 40 hours a week for a total of 50 days. 	<ul style="list-style-type: none"> > Full time employees will receive 80 hours of pay. Part-time employees will receive pay for the number of hours equal to number of hours the employee works on average over a two-week period. > There is no carryover from year to year of the sick leave. > An employer may not require employee to use other paid time off before he/she uses the emergency sick leave and it cannot require an employee to find a replacement or cover employee while he/she is out on leave. > The rate of pay for employees is up to \$511 per day and an aggregate of \$5,110 for qualifying events (1), (2), or (3) above. > 2/3 of employee’s regular rate of pay but no more than \$200 per day and \$2,000 in the aggregate for qualifying events (4), (5), and (6) above.
<p>When the Requirement to Pay Leave Begins</p>	<p>Not later than 15 days from March 18, 2020 and ending on December 31, 2020.</p>	<p>Not later than 15 days after March 18, 2020 and expiring on December 31, 2020.</p>

FAMILIES FIRST CORONAVIRUS RESPONSE ACT (“FFCRA”)

	Family Leave Emergency Pay (Amendments to FMLA)	Emergency Sick Pay (in addition to FMLA)
Restoration to Position	Just like normal FMLA an employee, at the end of leave, must be returned to the same or an equivalent position unless (1) employer has less than 25 employees and (2) the position employee held when leave commenced no longer exists due to economic conditions or other changes in the operating conditions of employer that affect employment due to the public health emergency during the leave if the employer has made reasonable efforts to restore the employee to an equivalent position (pay, benefits, and other terms of employment) that employee held. If reasonable efforts fail, the employee is placed on a recall list that lasts for 12 months from the earliest to occur of (1) the date the public health emergency concludes or (2) the date 12 weeks after the date the employee’s leave commences.	No specific requirement, but note that it will be a prohibited act to discharge or discipline an employee who (1) takes leave under the Act <u>and</u> (2) has filed any complaint or instituted any proceeding under or related to the Act or who has testified or is about to testify in any such proceeding.
Employees Requirement to Notify Employer of Need for Leave	Must provide the employer with notice of the leave as is practicable.	Not specified, however, after the first workday (or portion thereof) for which employee receives paid sick leave, the employer may require employee to follow reasonable notice procedures to continue to receive pay.
Notice Posting Requirements	Not specifically addressed but presumably there will be an amended FMLA poster and DOL leave forms.	No later than seven days after the date of enactment, the Secretary of Labor shall make publicly available a model notice for posting while the employer will post in conspicuous places where employer customarily posts notices.
Enforcement Mechanism	Not clear, presumably those set forth in the FMLA, however, an employer that has less than 50 employees cannot be sued by an employee(s) for violating the Act. Presumably the DOL can bring enforcement however.	<ul style="list-style-type: none"> > Violation of the Act will be considered a violation of the FLSA and will subject employer who violates the Act to the failure to pay the value of pay that should have been received and liquidated damages, attorney’s fees, etc. > In case of unlawful termination lost wages, attorneys fees, etc.

FAMILIES FIRST CORONAVIRUS RESPONSE ACT (“FFCRA”)

	Family Leave Emergency Pay (Amendments to FMLA)	Emergency Sick Pay (in addition to FMLA)
Taxes	<ul style="list-style-type: none"> > Wages paid under the Act are not subject to employer social security tax. > There will be a tax credit available to employer based on 100% of the wages paid under the Act. 	<ul style="list-style-type: none"> > Wages paid under the Act are not subject to employer social security tax. > There will be a tax credit available to employer based on 100% of the wages paid under the Act.

The following attorneys may be contacted to help answer any questions:



David C. Burton
Labor, Employment & Immigration
757.473.5354
dburton@williamsmullen.com



Brydon M. DeWitt
Employee Benefits & Executive Compensation
804.420.6917
bdewitt@williamsmullen.com



Laura D. Windsor
Labor, Employment & Immigration
804.420.6466
lwindsor@williamsmullen.com



Marc Purintun
Employee Benefits & Executive Compensation
804.420.6310
mpurintun@williamsmullen.com



Michael C. Lord
Labor, Employment & Immigration
919.981.4093
mlord@williamsmullen.com



Families First Coronavirus Response Act Notice – Frequently Asked Questions

1. Where do I post this notice? Since most of my workforce is teleworking, where do I electronically “post” this notice?

Each covered employer must post a notice of the Families First Coronavirus Response Act (FFCRA) requirements in a conspicuous place on its premises. An employer may satisfy this requirement by emailing or direct mailing this notice to employees, or posting this notice on an employee information internal or external website.

2. Do I have to post this notice in other languages that my employees speak? Where can I get the notice in other languages?

You are not required to post this notice in multiple languages, but the Department of Labor (Department) is working to translate it into other languages.

3. Do I have to share this notice with recently laid-off individuals?

No, the FFCRA requirements explained on this notice apply only to current employees.

4. Do I have to share this notice with new job applicants?

No, the FFRCA requirements apply only to current employees. Employers are under no obligation to provide the notice of those requirements to prospective employees.

5. Do I have to give notice of the FFCRA requirements to new hires?

Yes, if you hire a job applicant, you must convey this notice to them, either by email, direct mail, or by posting this notice on the premises or on an employee information internal or external website.

6. If my state provides greater protections than the FFCRA, do I still have to post this notice?

Yes, all covered employers must post this notice regardless of whether their state requires greater protections. The employer must comply with both federal and state law.

7. I am a small business owner. Do I have to post this notice?

Yes. All employers covered by the paid sick leave and expanded family and medical leave provisions of the FFCRA (i.e., certain public sector employers and private sector employers with fewer than 500 employees) are required to post this notice.

8. How do I know if I have the most up-to-date notice? Will there be updates to this notice in the future?

The most recent version of this notice was issued on March 25, 2020. Check the Wage and Hour Division's website or sign up for Key News Alerts to ensure that you remain current with all notice requirements: www.dol.gov/agencies/whd.

9. Our employees must report to our main office headquarters each morning and then go off to work at our different worksite

locations. Do we have to post this notice at all of our different worksite locations?

The notice needs to be displayed in a conspicuous place where employees can see it. If they are able to see it at the main office, it is not necessary to display the notice at your different worksite locations.

10. Do I have to pay for notices?

No. To obtain notices free of charge, contact the Department's Wage and Hour Division at 1-866-4-USWAGE (1-866-487-9243).

Alternatively, you may download and print the notice yourself from <https://www.dol.gov/agencies/whd/posters>

11. I am running out of wall space. Can I put the required notices in a binder that I put on the wall?

No, you cannot put federal notices in a binder. Generally, employers must display federal notices in a conspicuous place where they are easily visible to all employees—the intended audience.

12. We have break rooms on each floor in our building. Do I have to post notices in each break room on each floor or can I just post them in the lunchroom?

If all of your employees regularly visit the lunchroom, then you can post all required notices there. If not, then you can post the notices in the break rooms on each floor or in another location where they can easily be seen by employees on each floor.

13. Our company has many buildings. Our employees report directly to the building where they work, and there is no requirement

that they first report to our main office or headquarters prior to commencing work. Do I have to post this notice in each of our buildings?

Yes. Where an employer has employees reporting directly to work in several different buildings, the employer must post all required federal notices in each building, even if the buildings are located in the same general vicinity (e.g., in an industrial park or on a campus).

Topics **For Workers** **For Employers** **Resources**
Interpretive Guidance **State Laws** **News**



Wage and Hour Division

An agency within the U.S.
Department of Labor

200 Constitution Ave NW
Washington, DC 20210
1-866-4-US-WAGE
1-866-487-9243

www.dol.gov

FEDERAL GOVERNMENT



White House

[Coronavirus Resources](#)

[Severe Storm and Flood Recovery Assistance](#)

[Disaster Recovery Assistance](#)

[DisasterAssistance.gov](#)

[USA.gov](#)

[No Fear Act Data](#)

[U.S. Office of Special Counsel](#)

LABOR DEPARTMENT



[About DOL](#)

[Guidance Search](#)

[Español](#)

[Office of Inspector General](#)

[Subscribe to the DOL Newsletter](#)

[Read the DOL Newsletter](#)

[Emergency Accountability Status Link](#)

[A to Z Index](#)

WHD PORTALS



[YouthRules!](#)

[Wage Determinations](#)

Connect With DOL



[Site Map](#)

[Important Website Notices](#)

[Privacy & Security Statement](#)



Families First Coronavirus Response Act: Questions and Answers

As provided under the legislation, the U.S. Department of Labor will be issuing implementing regulations. Additionally, as warranted, the Department will continue to provide compliance assistance to employers and employees on their responsibilities and rights under the FFCRA.

DEFINITIONS

“Paid sick leave” – means paid leave under the Emergency Paid Sick Leave Act.

“Expanded family and medical leave” – means paid leave under the Emergency Family and Medical Leave Expansion Act.

QUESTIONS & ANSWERS

- 1. What is the effective date of the Families First Coronavirus Response Act (FFCRA), which includes the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act?**

The FFCRA’s paid leave provisions are effective on April 1, 2020, and apply to leave taken between April 1, 2020, and December 31, 2020.

- 2. As an employer, how do I know if my business is under the 500-employee threshold and therefore must provide paid sick leave**

or expanded family and medical leave?

You have fewer than 500 employees if, at the time your employee's leave is to be taken, you employ fewer than 500 full-time and part-time employees within the United States, which includes any State of the United States, the District of Columbia, or any Territory or possession of the United States. In making this determination, you should include employees on leave; temporary employees who are jointly employed by you and another employer (regardless of whether the jointly-employed employees are maintained on only your or another employer's payroll); and day laborers supplied by a temporary agency (regardless of whether you are the temporary agency or the client firm if there is a continuing employment relationship). Workers who are independent contractors under the Fair Labor Standards Act (FLSA), rather than employees, are not considered employees for purposes of the 500-employee threshold.

Typically, a corporation (including its separate establishments or divisions) is considered to be a single employer and its employees must each be counted towards the 500-employee threshold. Where a corporation has an ownership interest in another corporation, the two corporations are separate employers unless they are joint employers under the FLSA with respect to certain employees. If two entities are found to be joint employers, all of their common employees must be counted in determining whether paid sick leave must be provided under the Emergency Paid Sick Leave Act and expanded family and medical leave must be provided under the Emergency Family and Medical Leave Expansion Act.

In general, two or more entities are separate employers unless they meet the integrated employer test under the Family and Medical Leave Act of 1993 (FMLA). If two entities are an integrated employer under the FMLA, then employees of all entities making up the integrated employer will be counted in determining employer coverage for purposes of expanded family and medical leave under the Emergency Family and Medical Leave Expansion Act.

3. If I am a private sector employer and have 500 or more employees, do the Acts apply to me?

No. Private sector employers are only required to comply with the Acts if they have fewer than 500 employees.[1]

4. If providing child care-related paid sick leave and expanded family and medical leave at my business with fewer than 50 employees would jeopardize the viability of my business as a going concern, how do I take advantage of the small business exemption?

To elect this small business exemption, you should document why your business with fewer than 50 employees meets the criteria set forth by the Department, which will be addressed in more detail in forthcoming regulations.

You should not send any materials to the Department of Labor when seeking a small business exemption for paid sick leave and expanded family and medical leave.

5. How do I count hours worked by a part-time employee for purposes of paid sick leave or expanded family and medical leave?

A part-time employee is entitled to leave for his or her average number of work hours in a two-week period. Therefore, you

calculate hours of leave based on the number of hours the employee is normally scheduled to work. If the normal hours scheduled are unknown, or if the part-time employee's schedule varies, you may use a six-month average to calculate the average daily hours. Such a part-time employee may take paid sick leave for this number of hours per day for up to a two-week period, and may take expanded family and medical leave for the same number of hours per day up to ten weeks after that.

If this calculation cannot be made because the employee has not been employed for at least six months, use the number of hours that you and your employee agreed that the employee would work upon hiring. And if there is no such agreement, you may calculate the appropriate number of hours of leave based on the average hours per day the employee was scheduled to work over the entire term of his or her employment.

6. When calculating pay due to employees, must overtime hours be included?

Yes. The Emergency Family and Medical Leave Expansion Act requires you to pay an employee for hours the employee would have been normally scheduled to work even if that is more than 40 hours in a week.

However, the Emergency Paid Sick Leave Act requires that paid sick leave be paid only up to 80 hours over a two-week period. For example, an employee who is scheduled to work 50 hours a week may take 50 hours of paid sick leave in the first week and 30 hours of paid sick leave in the second week. In any event, the total number of hours paid under the Emergency Paid Sick Leave Act is capped at 80.

If the employee's schedule varies from week to week, please see the answer to Question 5, because the calculation of hours for a full-time employee with a varying schedule is the same as that for a part-time employee.

Please keep in mind the daily and aggregate caps placed on any pay for paid sick leave and expanded family and medical leave as described in the answer to Question 7.

Please note that pay does not need to include a premium for overtime hours under either the Emergency Paid Sick Leave Act or the Emergency Family and Medical Leave Expansion Act.

7. As an employee, how much will I be paid while taking paid sick leave or expanded family and medical leave under the FFCRA?

It depends on your normal schedule as well as why you are taking leave.

If you are taking paid sick leave because you are unable to work or telework due to a need for leave because you (1) are subject to a Federal, State, or local quarantine or isolation order related to COVID-19; (2) have been advised by a health care provider to self-quarantine due to concerns related to COVID-19; or (3) are experiencing symptoms of COVID-19 and are seeking medical diagnosis, you will receive for each applicable hour the greater of:

- your regular rate of pay,
- the federal minimum wage in effect under the FLSA, or
- the applicable State or local minimum wage.

In these circumstances, you are entitled to a maximum of \$511 per day, or \$5,110 total over the entire paid sick leave period.

If you are taking paid sick leave because you are: (1) caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or an individual who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; (2) caring for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons; or (3) experiencing any other substantially-similar condition that may arise, as specified by the Secretary of Health and Human Services, you are entitled to compensation at 2/3 of the greater of the amounts above.

Under these circumstances, you are subject to a maximum of \$200 per day, or \$2,000 over the entire two week period.

If you are taking expanded family and medical leave, you may take paid sick leave for the first ten days of that leave period, or you may substitute any accrued vacation leave, personal leave, or medical or sick leave you have under your employer's policy. For the following ten weeks, you will be paid for your leave at an amount no less than 2/3 of your regular rate of pay for the hours you would be normally scheduled to work. The regular rate of pay used to calculate this amount must be at or above the federal minimum wage, or the applicable state or local minimum wage. However, you will not receive more than \$200 per day or \$12,000 for the twelve weeks that include both paid sick leave and expanded family and medical leave when you are on leave to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons.

To calculate the number of hours for which you are entitled to paid leave, please see the answers to Questions 5-6 that are provided in this guidance.

8. What is my regular rate of pay for purposes of the FFCRA?

For purposes of the FFCRA, the regular rate of pay used to calculate your paid leave is the average of your regular rate over a period of up to six months prior to the date on which you take leave.[2] If you have not worked for your current employer for six months, the regular rate used to calculate your paid leave is the average of your regular rate of pay for each week you have worked for your current employer.

If you are paid with commissions, tips, or piece rates, these wages will be incorporated into the above calculation.

You can also compute this amount for each employee by adding all compensation that is part of the regular rate over the above period and divide that sum by all hours actually worked in the same period.

9. May I take 80 hours of paid sick leave for my self-quarantine and then another amount of paid sick leave for another reason provided under the Emergency Paid Sick Leave Act?

No. You may take up to two weeks—or ten days—(80 hours for a full-time employee, or for a part-time employee, the number of hours equal to the average number of hours that the employee works over a typical two-week period) of paid sick leave for any combination of qualifying reasons. However, the total number of hours for which you receive paid sick leave is capped at 80 hours under the Emergency Paid Sick Leave Act.

10. If I am home with my child because his or her school or place of care is closed, or child care provider is unavailable, do I get paid sick leave, expanded family and medical leave, or both—how do they interact?

You may be eligible for both types of leave, but only for a total of twelve weeks of paid leave. You may take both paid sick leave and expanded family and medical leave to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons. The Emergency Paid Sick Leave Act provides for an initial two weeks of paid leave. This period thus covers the first ten workdays of expanded family and medical leave, which are otherwise unpaid under the Emergency and Family Medical Leave Expansion Act unless the you elect to use existing vacation, personal, or medical or sick leave under your employer's policy. After the first ten workdays have elapsed, you will receive 2/3 of your regular rate of pay for the hours you would have been scheduled to work in the subsequent ten weeks under the Emergency and Family Medical Leave Expansion Act.

Please note that you can only receive the additional ten weeks of expanded family and medical leave under the Emergency Family and Medical Leave Expansion Act for leave to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons.

11. Can my employer deny me paid sick leave if my employer gave me paid leave for a reason identified in the Emergency Paid Sick Leave Act prior to the Act going into effect?

No. The Emergency Paid Sick Leave Act imposes a new leave requirement on employers that is effective beginning on April 1, 2020.

12. Is all leave under the FMLA now paid leave?

No. The only type of family and medical leave that is paid leave is expanded family and medical leave under the Emergency Family and Medical Leave Expansion Act when such leave exceeds ten days. This includes only leave taken because the employee must care for a child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons.

13. Are the paid sick leave and expanded family and medical leave requirements retroactive?

No.

14. How do I know whether I have “been employed for at least 30 calendar days by the employer” for purposes of expanded family and medical leave?

You are considered to have been employed by your employer for at least 30 calendar days if your employer had you on its payroll for the 30 calendar days immediately prior to the day your leave would begin. For example, if you want to take leave on April 1, 2020, you would need to have been on your employer’s payroll as of March 2, 2020.

If you have been working for a company as a temporary employee, and the company subsequently hires you on a full-time basis, you may count any days you previously worked as a temporary employee toward this 30-day eligibility period.

[1] If you are a Federal employee, you are eligible to take paid sick leave under the Emergency Paid Sick Leave Act. But only some Federal employees are eligible to take expanded family and medical leave under the Emergency Family and Medical Leave Expansion Act. Your eligibility will depend on whether you are covered under Title I or Title II of the Family Medical Leave Act. Federal employees should consult with their agency regarding their eligibility for expanded family and medical leave. The Office of Personnel and Management will provide information on federal employee coverage. Additional FAQs regarding public sector employers will be forthcoming.

[2] If you are a Federal employee, the State or local minimum wage would be used to calculate the wages owed to you only if the Federal agency that employs you has broad authority to set your compensation and has decided to use the State or local minimum wage.

Topics **For Workers** **For Employers** **Resources**
Interpretive Guidance **State Laws** **News**



Wage and Hour Division

An agency within the U.S.
Department of Labor

200 Constitution Ave NW
Washington, DC 20210
1-866-4-US-WAGE
1-866-487-9243

www.dol.gov

FEDERAL GOVERNMENT



[White House](#)

[Coronavirus Resources](#)

[Severe Storm and Flood Recovery Assistance](#)

[Disaster Recovery Assistance](#)

[DisasterAssistance.gov](#)

[USA.gov](#)

[No Fear Act Data](#)

[U.S. Office of Special Counsel](#)

LABOR DEPARTMENT



[About DOL](#)

[Guidance Search](#)

[Español](#)

[Office of Inspector General](#)

[Subscribe to the DOL Newsletter](#)

[Read the DOL Newsletter](#)

[Emergency Accountability Status Link](#)

A to Z Index

WHD PORTALS

YouthRules!

Wage Determinations

Connect With DOL



[Site Map](#)

[Important Website Notices](#)

[Privacy & Security Statement](#)