

LEGAL UPDATE

DOL Releases More Q&As on Workplace Laws and Coronavirus

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. The guidance is in the form of questions and answers added to sets of Q&As the agency issued earlier in the 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) in workplace situations involving COVID-19.

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 on 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.

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DOL Resources

[Fair Labor Standards Act Questions and Answers](#)

[Family and Medical Leave Act Questions and Answers](#)

[Families First Coronavirus Response Act Questions and Answers](#)

The new Q&As from the DOL provide answers to questions such as whether an FMLA serious medical condition can be established through telemedicine.

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