Addendum to Informational Legal Memo

Families First Coronavirus Response Act (FFCRA)

Dated March 31, 2020

Q & A

Q: Does FFCRA apply to employee compensation when a library has closed down either out of safety concerns for staff and community or in response to the Governor’s stay at home order?

A: No. This answer is not obvious from reading a summary of the statute because FFCRA does not directly address this situation. However, FFCRA does not apply to workplaces that are closed.

The FFCRA memo addressed this issue on page 1 stating: “FFCRA does not create an obligation for employers to pay employees who are not able to work because the employer has closed the workplace whether due to lack of business or in compliance with a Federal, State, or local directive. The employee may, however, be eligible for unemployment insurance benefits in such situations.”

The U.S. Department of Labor’s publication [Families First Coronavirus Response Act: Questions and Answers](https://www.dol.gov/agencies/whd/pandemic/ffcra-questions) includes multiple questions and answers related to workplace closures. Questions 25 thought 27 all address a closed workplace, with a variety of different details (such as a closure before April 1 or a closure after April 1). The core of each answer, repeated through each of these questions, is the same as provided in this example excerpted from question 27:

. . . As of the date your employer closes your worksite, you are no longer entitled to paid sick leave or expanded family and medical leave, but you may be eligible for unemployment insurance benefits. This is true whether your employer closes your worksite for lack of business or because the employer was required to close pursuant to a Federal, State or local directive. . .

If you have additional questions on this point you may wish to contact the U.S. Department of Labor Wage and Hour Division at 1-866-4-US-WAGE or 1-866-487-924.