Sample Communication

*Please Customize for Your Organization*

Hi [COMPANY NAME] Team,

*As the Families First Coronavirus Response Act (FFCRA) has become effective April 1st, we understand that employees may be starting to request leave for various reasons. I wanted to ensure you were aware that as a small business with fewer than 50 employees, you may qualify for an exemption from providing paid sick leave and Expanded Family and Medical Leave due to school or place of care closures or child care provider unavailability for COVID-19 related reasons when doing so would jeopardize the viability the organization as a going concern.* [CUSTOMIZE AS APPROPRIATE]

While we do need to review each request on a case-by-case basis, in general, the organization may claim this exemption if an authorized officer of the business has determined that:

1. The provision of paid sick leave or expanded family and medical leave would result in the organization’s expenses and financial obligations exceeding available business revenues and cause the organization to cease operating at a minimal capacity;
2. The absence of the employee or employees requesting paid sick leave or expanded family and medical leave would entail a substantial risk to the financial health or operational capabilities of the small business because of their specialized skills, knowledge of the business, or responsibilities; or
3. There are not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services provided by the employee or employees requesting paid sick leave or expanded family and medical leave, and these labor or services are needed for the small business to operate at a minimal capacity.

[IF REQUESTS FOR THE LEAVE COME UP, WE’D BE HAPPY TO DISCUSS THE SPECIFIC SITUATION WITH YOU.]

Thank you,

[CONTACT]