

TO: NAW Direct Members

FROM: NAW Government Relations Team

DATE: March 28, 2020

***We will issue these summary reports once per day or more frequently as events warrant to keep you as current as we can on developments of most import to the distribution industry and our efforts on your behalf. We encourage you to retain them in an electronic file for easy reference as we may refer to previous issues in these reports.***

**1. Updated: CISA's Memorandum on Identification of Essential Critical Infrastructure Workers**

Today, the Cybersecurity and Infrastructure Security Agency (CISA) updated their *Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response*. As more states issue their own stay at home orders or other actions to fight the spread of COVID-19, this guidance is meant to help state and local officials determine how to protect their communities while also ensuring the security and resiliency of critical infrastructure.

After CISA released their first memorandum on critical infrastructure, NAW worked with the agency to ensure that wholesaler-distributors were adequately represented in any future guidance as they continue to deliver critical supplies across the nation during these uncertain times.

Additionally, NAW wrote to the nation's governors to urge them to adopt the CISA guidance as they continue to issue and update orders to protect their citizens.

You can read the most updated guidance here:

[https://www.cisa.gov/sites/default/files/publications/CISA\\_Guidance\\_on\\_the\\_Essential\\_Critical\\_Infrastructure\\_Workforce\\_Version\\_2.0\\_1.pdf](https://www.cisa.gov/sites/default/files/publications/CISA_Guidance_on_the_Essential_Critical_Infrastructure_Workforce_Version_2.0_1.pdf)

**2. Updated: Guidance on Paid Sick Leave and Expanded Family and Medical Leave Under FFCRA**

The U.S. Department of Labor's Wage and Hour Division (WHD) announced more guidance to provide information to workers and employers about how each will be able

to take advantage of the protections and relief offered by the Families First Coronavirus Response Act (FFCRA) when it takes effect on April 1, 2020.

The new guidance is posted here: <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>. It includes questions and answers addressing critical issues such as what documents employees can be required to submit to their employers to use paid sick leave or expanded family and medical leave; whether workers can take paid sick leave intermittently while teleworking and whether workers whose employers closed before the effective date of the FFCRA can still get paid sick leave.

This guidance adds to a growing list of compliance assistance materials published by WHD, including a:

Fact Sheet for Employees - <https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>

Fact Sheet for Employers - <https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave>

Questions and Answers document - <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>

Available are two new posters, one for federal workers and one for all other employees ([https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA\\_Poster\\_WH1422\\_Non-Federal.pdf](https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA_Poster_WH1422_Non-Federal.pdf)), that will fulfill notice requirements for employers obligated to inform employees about their rights under this new law, Questions and Answers about posting requirements (<https://www.dol.gov/agencies/whd/pandemic/ffcra-poster-questions>) and a Field Assistance Bulletin describing WHD's 30-day non-enforcement policy (<https://www.dol.gov/agencies/whd/field-assistance-bulletins/2020-1>).

WHD provides additional information on common issues employers and employees face when responding to COVID-19 and its effects on wages and hours worked under the Fair Labor Standards Act and job-protected leave under the Family and Medical Leave Act at: <https://www.dol.gov/agencies/whd/pandemic>

For more information about the laws enforced by the WHD, call 866-4US-WAGE, or visit <https://www.dol.gov/agencies/whd>

Many thanks—

*Jade West, Chief Government Relations Officer*

*Blake Adami, Vice President-Government Relations*

*Seth Waugh, Associate Vice President-Government Relations*

*National Association of Wholesaler-Distributors*