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The U.S. Department of Labor Issues Additional FFCRA Guidance on Paid Leave for School Closures and Remote Learning

On August 27, 2020, the U.S. Department of Labor (DOL) published additional guidance addressing employers' obligations to provide paid leave under the Families First Coronavirus Response Act (FFCRA) relating to school reopenings. The FFCRA allows eligible employees to take up to 2 weeks of paid sick leave and up to 12 weeks of expanded family and medical leave (10 of which are paid) for specified reasons related to COVID-19. Under the FFCRA, an eligible employee can take both types of paid leave "because of a need to care for the employee's son or daughter whose school or place of care is closed, or whose child care provider is unavailable, due to COVID-19 related reasons." The FFCRA enables employers to provide paid leave reimbursed by tax credits, and assists employers and their employees in complying with the public health measures needed to combat the virus.

As schools reopen across the country, they have announced a range of different formats and schedules, including full attendance (with the possibility of quarantine in the event of an outbreak), alternating in-person instruction with remote learning, requiring remote learning, and allowing parents to select remote learning in lieu of in-person attendance. To assist employers in determining when employees may qualify for paid leave under the FFCRA, the DOL issued three new Q&As explaining eligibility when:

- An employee's child attends a school operating on an alternate day (or "hybrid-attendance") basis;
- An employee chooses remote learning for their child even though in-person instruction is available; and
- A school begins the year with remote learning but then shifts to in-person instruction if conditions change.

To review the DOL's most recent guidance on the FFCRA, please [CLICK HERE](#).

The FFCRA remains in effect through December 31, 2020. For more information on employers' obligations under the FFCRA or other questions arising from the impact of COVID-19, please reach out to a member of Cline Williams' [Labor and Employment Law Section](#) and [Employee Benefits Section](#).



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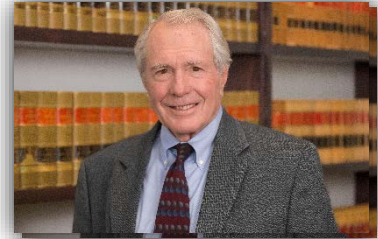
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