



PAID LEAVE FOR WORKERS WITH CHILD CARE RESPONSIBILITIES BECAUSE THEIR CHILD'S SCHOOL OR DAYCARE HAS CLOSED

Under the federal Families First Coronavirus Response Act (FFCRA) school employees are entitled to 12 weeks of family and medical leave paid at 2/3 their pay, up to \$200 per day up to a total of \$10,000, if they are unable to work because they must care for their child or children whose school or day care has closed or is unavailable due to COVID-19 reasons.

After the first 10 days of leave, the employer may require that the employees utilize personal or vacation leave at regular full pay, if available, but may not require use of sick leave. If no other paid leave is available, the employer must still pay the employee 2/3 of their regular pay without deducting from sick leave. All full and part time employees who have been employed for the prior 30 days are eligible for this expanded FMLA benefit.

Please note, the FFCRA does not add 12 weeks at 2/3 pay to the annual 12 weeks allowed under the FMLA. Thus, if an employee has already used some of their FMLA annual leave allotment, it is deducted from the 12 weeks. The paid leave for child care is available only until December 31, 2020, when the FFCRA law expires.

WHAT INFORMATION MUST AN EMPLOYEE PROVIDE TO THE EMPLOYER TO QUALIFY?

An employee must provide their name, dates of leave requested, statement that they are requesting leave to care for their child(ren), statement that they are unable to work because their child's school or daycare is closed or unavailable, name of child or children, name of school or child's day care provider that is closed or unavailable, statement that no other suitable person is available to care for their child(ren).

NEGOTIATE LANGUAGE THAT PROVIDES FOR AN INTERMITTENT LEAVE OPTION

The FFCRA provides for intermittent leave for child care reasons, if the employer agrees. This includes situations where the employee is working remotely. It is recommended that you negotiate a provision for intermittent leave, if it is possible under the school reopening plan, as it will take the burden off the individual employee to negotiate with the employer.

NEGOTIATE LANGUAGE THAT PROVIDES A REMOTE OPTION

Members may prefer to have the option to continue to work instead of taking leave. Accordingly, it may also be beneficial to negotiate for language that provides members with the option to continue to work remotely if their child's or children's school or daycare has closed, has implemented a different plan that creates a child care conflict, or is otherwise unavailable due to COVID-19 reasons. Negotiate language that establishes the process for making such a request due to child care responsibilities. Include language that makes it clear that the member will not miss any pay or suffer any consequences, retaliation or retribution for making such a request.

QUESTIONS ABOUT THE FFCRA LEAVE ENTITLEMENTS?

SEE Families First Coronavirus Response Act: Question and Answers at www.dol.gov/agencies/whd/pandemic/ffcra-questions