



ARE WORKING PARENTS ELIGIBLE FOR PAID LEAVE DURING REMOTE LEARNING?

The school year may have started but many students are still at home. With most public schools adopting a remote or hybrid model, working parents may need to remain at home during school hours when children are attending virtual classes. For at least through December 31, 2020, working parents who have not used any paid leave under the federal Emergency Paid Sick Leave or Emergency Paid Family and Medical Leave under the Families First Coronavirus Response Act ("FFCRA") may still be eligible for paid leave. However, depending on choices made by a family and how their school district reopened, some employees may not be eligible for paid family leave under FFCRA.

If the school an employee's children attend reopened with only remote learning available for its students, the Department of Labor ("DOL") has said that for purposes of FFCRA, the school is closed. When an employee is unable to work (including telework) due to a school closure, the employee would be eligible for FFCRA childcare leave, as long as the leave is needed for the employee to actually care for the child during that time and only if no other suitable person is available to do so.

Please see the link to the FAQ #100.

If the school the employee's children attend provides families with a choice as to whether to attend in person or remotely and the employee has decided not to send the children to in-person school, the DOL has said that for purposes of FFCRA, the school is not closed and the employee is not eligible for FFCRA childcare leave.

Please see the link to the FAQ #99.

If the school the employee's children attend reopened with a hybrid model (a combination of in-person attendance on certain days and remote learning attendance on other days), the employee may be eligible for leave under the FFCRA during the times when the employee's students are remote.

Please see the link to the FAQ #98.

While some schools may continue with remote learning or a hybrid model into calendar year 2021, FFCRA leave may not be available. Currently, FFCRA leave, which became effective on April 1, 2020, ends on December 31, 2020.



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