

The Department of Labor Provides Additional Guidance on Paid Leave due to School Closures

Article By:

S. Gordon Hill

Jeffrey J. Wilcox

Ryan M. Guerin

Cory J. Person

Since April 1, 2020, many employers have been grappling with the Families First Coronavirus Response Act (“FFCRA”), which provides two weeks of paid sick leave related to COVID-19 and up to twelve weeks of paid leave under the expanded Family and Medical Leave Act (“EFMLA”).

These issues have resurfaced with children heading back to school. As with all things COVID-19, the situation is fluid with some schools going online/virtual for the entire semester, others going online/virtual on a temporary basis, and active litigation over schools resuming in person. These complications have led to many unanswered questions as to how the EFMLA leave applies to employee requests for time off to care for a son or daughter whose school or place of care is closed due to COVID-19. Yesterday, the Department of Labor (“DOL”) provided some much needed answers on these issues.

The DOL’s guidance addresses an employee’s eligibility for paid FFCRA leave when the child’s school is only temporarily closed, or offered remote teaching arrangements as an alternative, or offered hybrid, alternating day in-person teaching schedules. [The DOL’s recent guidance can be found here.](#)

Despite this recent clarification from the DOL, the law remains complicated, including who and when employees are entitled to leave and how to compensate employees taking leave.

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