



STOKES WAGNER

ATTORNEYS AT LAW

ATLANTA • ITHACA • LOS ANGELES • PITTSBURGH • SAN DIEGO • SAN FRANCISCO

The DOL Publishes Additional Guidance Regarding the Use of FFCRA Leave for School-Related Purposes

As children head back to school amidst the pandemic, sitting in class and learning is very different. Some students are participating in remote learning, and others are permitted to attend classes in-person. Some students have a mixture of both remote learning and in-person classes—posing new challenges to parents who must balance both work and family life. On August 27, 2020, The Department of Labor [“DOL”] provided additional guidance regarding the use of the Family First Corona Virus Response Act [“FFCRA”] leave for school-related purposes.

Parents with children who have schools operating on an alternate day or other hybrid-attendance basis, where students alternate days between attending school in person and participating in remote learning, are eligible to take FFCRA leave on the days when the child is not permitted to attend school in person and is required to engage in remote learning. The leave must be used to actually care for the child during that time, and only if no other suitable person is available to do so.

However, if the school provides the parent with the option to have the child attend in person or participate in remote learning, the parent is not eligible for FFCRA leave if they choose remote learning. The parent is ineligible for FFCRA leave because the child’s school is not “closed” due to COVID-19 related reasons and is open for the child to attend. Rather, the parent chose to have the child remain at home. Nevertheless, if because of COVID-19, the child is under a quarantine order or has been advised by a health care provider to self-isolate or self-quarantine, then the parent may be eligible to take paid leave to care for him or her.

Lastly, in the case where the child’s school reopens under a fully remote learning program, the parent is eligible to take FFCRA leave while the child’s school remains closed to in person attendance. If the child’s school reopens, the availability of paid leave under the FFCRA will depend on the particulars of the school’s operations, as discussed above.

Questions? Contact Stokes Wagner.

September 2, 2020

Page 2 of 2

The Guidance is found on the list of [“FAQs”](#) at numbers 98 through 100.

THIS DOCUMENT PROVIDES A GENERAL SUMMARY AND IS FOR INFORMATIONAL/EDUCATIONAL PURPOSES ONLY.
IT IS NOT INTENDED TO BE COMPREHENSIVE, NOR DOES IT CONSTITUTE LEGAL ADVICE. PLEASE CONSULT WITH
COUNSEL BEFORE TAKING OR REFRAINING FROM TAKING ANY ACTION.

Questions? Contact Stokes Wagner.