



09.23.20

DOL Issues New FAQs about FFCRA Leave as Schools Reopen

Background

Since the Families First Coronavirus Response Act (FFCRA) was passed into law back in March 2020, the Department of Labor (DOL) has issued numerous regulations determining how the law should be applied, especially its paid leave provisions. One resource the DOL has provided is a series of [Frequently Asked Questions \(FAQs\)](#) and corresponding answers covering a variety of FFCRA-related matters.

Summary

On August 27, 2020, the DOL added three new FAQs (98 – 100) to its ongoing list. These questions are designed to address issues that may arise as schools across the country begin to reopen with a variety of different schedules and restrictions in place. All three FAQs touch on the question of who is eligible to take leave under the FFCRA to care for a child and under what circumstances. See our summary of the DOL's guidance below.

- **FAQ 98:** Parents whose child's school is operating on an alternate day or other hybrid-attendance basis are eligible to take FFCRA leave to care for their child on days when their child is engaged in remote learning, assuming all other eligibility requirements apply.

This content is provided with the understanding that HR Knowledge is not rendering legal advice. While every effort is made to provide current information, the law changes regularly and laws may vary depending on the state or municipality. The material is made available for informational purposes only and is not a substitute for legal advice or your professional judgment. You should review applicable laws in your jurisdiction and consult experienced counsel for legal advice. If you have any questions regarding this content, please contact [HR Knowledge](#).

This is because the child's school is effectively "closed" to them on those days.

- **FAQ 99:** Parents who are given a choice whether to have their child attend school live or remotely and opt to engage in remote learning would not be eligible to take FFCRA leave. In that case, the child's school is not "closed" to them for COVID-19 related reasons since they have the option to attend in-person. However, the same parent may be eligible for FFCRA leave if their child is under a quarantine order or has been advised to self-quarantine.
- **FAQ 100:** Parents whose child's school is beginning the school year remotely but plans to reevaluate as the school year goes on are eligible to take FFCRA leave as long as the school remains closed, assuming all other eligibility requirements apply. At the time when the school reopens, leave eligibility would depend on the particulars of the school's reopening, as discussed in FAQs 98 and 99.

Employer Next Steps

- Employers who are subject to the FFCRA's paid leave provisions should pay close attention to DOL guidance as schools begin to reopen across the country.
- If you are unsure whether an employee's request for FFCRA leave should be approved, be sure to consult with legal counsel before making any official decisions.
- If you are a Full-Service or Virtual HR client and would like our assistance with updating your FFCRA policies, please email us at covid19@hrknowledge.com.

The People Simplifying HR

For almost twenty years, HR Knowledge has made it our mission to demystify the complex and daunting process of HR management. We do more than just provide the level of service and technology you'd expect from an industry leader. We combine unparalleled passion for service with our decades of HR, payroll, and benefits experience to provide our clients with personalized and actionable advice that is second—to—none. From managed payroll to employee benefits to HR support, we can help your organization thrive, grow, and reduce operating costs—no matter what industry you serve. Whether you're interested in our Full-Service solution or just need your employee handbook written, HR Knowledge can help you minimize risk while staying on top of compliance regulations. The bottom line? We're not just another cloud-based technology company that also does HR, #WeAreHR. [Get the scoop](#) on how we can help you simplify HR.



@WEAREHRK