



Department of Labor Provides Clarification on FFCRA Child Care Leave

The U.S. Department of Labor (DOL) on August 27, 2020, issued three new FAQs (98–100) pertaining to the Families First Coronavirus Relief Act (FFCRA) that clarify an employee's eligibility for FFCRA leave to care for a child whose school or child care is closed, or child care provider is unavailable because of COVID-19, depends on the school's approach to in-person and remote learning.

FAQ # 98 - Hybrid Learning

If a child's school is operating on a hybrid model where the child attends school on certain days and participates in remote learning on others, an employee is eligible for FFCRA leave on the days that the employee's child is not permitted to attend school in person and must instead engage in remote learning.

FAQ # 99 – Voluntary Remote Learning

An employee is not eligible for FFCRA leave if their child's school is offering the choice between in-person attendance and remote learning and the employee voluntarily chooses for their child to engage in remote learning.

FAQ # 100 – Remote Learning (For Now)

An employee is eligible for FFCRA leave if their child's school begins the year under a remote learning program but has announced it may transition to in-person learning later in the school year. This is because, for at least the near future, the school is "closed" for purposes of the FFCRA.

Employers with questions regarding the DOL's new FFCRA FAQs should contact [Shannon \(Toole\) West](#) or a member of Reinhart's Labor and Employment Practice.

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