

Back to School on the DOL's FFCRA Guidance

By: Nick Ziepfel on September 1, 2020 on graydon.law

As schools across the country open (physical or virtual) doors for children this fall, the Department of Labor added new guidance under its list of Frequently Asked Questions addressing FFCRA leave for remote learning programs. According to the [DOL's new guidance](#), if a child's school is operating on a hybrid schedule - i.e., where students attend school in person on some days remote learn on others - employees will qualify for FFCRA on remote learning days "as long as the employee needs the leave to actually care for his or her child during that time and no other suitable person is available to do so."

In situations where a school offers parents the choice between having their child attend in person or remote learning and the parent chooses remote learning, the new guidance clarifies that the employee does not qualify for FFCRA because the school is not "closed." The guidance notes that leave may be permitted under these circumstances if a child is under a quarantine order or is advised to self-isolate and the parent must care for the child.

The DOL guidance will continue to evolve as schools adjust schedules through the school year. For more information or questions, please reach out to [Graydon's Labor and Employment team](#).