

HENDERSON BROTHERS UPDATE

DOL Provides New Back-to-School FAQs

Date: September 1, 2020

On August 27, 2020, the U.S. Department of Labor (DOL) released three new [“Return to School” FAQs](#) for the Families First Coronavirus Response Act (FFCRA). In previous FAQs, the DOL addressed closures during the last school year and it provided guidance on summer camp and program closures. In its newest FAQs, the DOL now addresses issues employers and employees are facing as children go back to school this fall. This new guidance (FAQs 98-100) provides much needed clarification for when FFCRA paid family leave will be available to an employee that has children attending school remotely.

Here is a brief summary on the new FAQs:

- The DOL addresses hybrid learning. This is an arrangement in which a school offers in-person instruction on certain days and remote learning on other days. The new guidance confirms leave is available, but it is only available on remote-learning days.
- The FAQ guidance addresses situations in which schools have provided parents with a choice i.e., the child can attend in-person instruction or attend school remotely. If parents choose the remote-learning option because they are fearful the child might become ill with COVID-19 or cause others at home to become ill, FFCRA leave is not available because the school is open for the child to attend.

HBI will provide updates on the FFCRA paid leave regulations as new information becomes available.