



**FAQ Guidance**  
**Using FFCRA for Virtual Education and/or Childcare related to closures due to COVID-19**

<p><b>An employee’s child’s school is operating on an alternate day (or other hybrid-attendance) basis. The school is open each day, but students alternate between days attending school in person and days participating in remote learning. They are permitted to attend school only on their designated in-person attendance days. May the employee take paid leave under the FFCRA in these circumstances?</b></p>	<p>If the following criteria are met, an employee may take paid leave under the FFCRA Expanded FML on each of their child’s remote-learning days:</p> <ul style="list-style-type: none"> <li>• The leave is needed to actually care for their child during that time <b>and</b></li> <li>• No other suitable person is available to do so.</li> </ul> <p>For purposes of the FFCRA, the school is effectively “closed” to the child on days they cannot attend in person.</p>
<p><b>An employee’s child’s school is giving them a choice between having their child attend in person or participate in a remote learning program for the semester. The employee signed up for the remote learning alternative because, for example, they’re worried their child might contract COVID-19 and bring it home to the family. Since the child will be at home, may the employee take paid leave under the FFCRA in these circumstances?</b></p>	<p>No, FFCRA leave is not available to take care of a child whose school is open for in-person attendance.</p> <p>If the school is open but the child is home because the parent has chosen for the child to remain home, the parent is ineligible for FFCRA paid leave.</p> <p>However, if the child is under a quarantine order or has been advised by a health care provider to self-isolate or self-quarantine due to COVID-19, an employee may be eligible to take paid leave to care for the child.</p>
<p><b>Many of the local schools are beginning the school year under a remote learning program out of concern for COVID-19, but have announced they will continue to evaluate local circumstances and make decisions about reopening for in-person attendance later in the school year. May employees take paid leave under the FFCRA in these circumstances?</b></p>	<p>Employees are eligible to take paid leave under the FFCRA while their child’s school remains closed. If their child’s school reopens, the availability of paid leave under the FFCRA will depend on the particulars of the school’s operations.</p>
<p><b>An employee has decided to homeschool their children and will not participate in their local system this year. May this employee use FFCRA in this circumstance?</b></p>	<p>Homeschooling is not affected by school facility closures so FFCRA leave is not applicable to these situations. Employees who have elected to homeschool may use any available School Assistance and Volunteer Leave to assist with their transition to homeschooling arrangements.</p>
<p><b>May employees take expanded family and medical leave intermittently while their child’s</b></p>	<p>Yes, but only with the employer’s permission. Intermittent expanded family and medical leave</p>

<p><b>school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons, if they are not teleworking?</b></p>	<p>should be permitted only when the employer and the employee agree upon such a schedule. For example, if a child’s school or place of care is closed, or child care provider is unavailable, for an entire week due to COVID-19 related reasons and an employer and employee agree, an employee may take expanded family and medical leave intermittently on Monday, Wednesday, and Friday, but work Tuesday and Thursday, while another family member watches the child or if the employee is able to telework.</p> <p>If a child’s school, place of care, or child care provider were closed or unavailable on only Monday, Wednesday, and Friday, as opposed to the entire week, then the employee would not need to take intermittent leave if working on the schedule in the example above. Each day of closure or unavailability is a separate reason for leave.</p> <p>The employee must provide the employer with notice and documentation as soon as practicable.</p> <p>DHRM encourages agencies and employees to collaborate to achieve flexibility. Therefore, if employers and employees agree to intermittent leave on a day-by-day basis, the Department supports such voluntary arrangements.</p>
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**Note to Agency HR:**

- Be certain to remind employees who use FFCRA Leave for Child Care and/or School Closures related to COVID-19 (Reason #5 for Emergency Sick Leave and/or Expanded Family Medical Leave) of the impact on their pay. Employees will be paid at two-thirds of their pay for every hour used of FFCRA Leave for this purpose.
- Agencies are encouraged to use the FFCRA Leave Forms located on the DHRM website in the Coronavirus Information page.
- Employees may use up to twelve weeks (480 work hours) of Family Medical Leave (FML) for the Leave Year of January 10, 2020 through January 9, 2021. Any FML hours used previously must be deducted from the annual allowance of 480 work hours to determine the number of remaining hours available to an employee for Expanded FML.
- Employees must certify that no other individuals or family members are available to provide care or school assistance to their child(ren) when using the Expanded FML.
- Spouses or partners employed at the same or different state agencies may not use Expanded FML for the same dates but are eligible to use the leave on alternating dates.