

COVID-19: CHILD CARE QUESTIONS



My child's school is moving to full or partial distance learning. Is my child's school "closed" for purposes of paid sick leave (EPSLA) or the Expanded Family and Medical Leave (EFMLA) eligibility?

Yes. A student's school is deemed closed on the day or days the student is provided remote instruction only.

Am I entitled to take EPSLA or EFMLA for child care?

Yes. You are entitled to both paid sick leave for the first two weeks and paid expanded FMLA for the remaining 10 weeks.

How much will I be paid?

Two-thirds of your regular rate of pay (up to \$200/day) because you are unable to work.

If my spouse is also a teacher in the same district, can we both take it?

Yes, but not at the same time, because the person taking leave must be the one caring for the child.

Can I take my paid leave pursuant to FFCRA intermittently?

Yes. Intermittent leave is available in the instance where a teacher needs to care for a sick family member or for his or her child due to a COVID-19-related day care or school closure. The need to obtain employer consent to such intermittent use is not required if your child is on a hybrid schedule and participating in remote learning from home on certain days of the week.

Do I have to provide documentation prior to taking FFCRA leave?

Yes. Employees do have to provide documentation prior to taking leave or at the earliest possible time that they know leave will be required.

If my district offers child care, am I still eligible for EFMLA/EPSLA?

Yes. They are still available even if the district is offering employees a suitable child care option, either paid or unpaid.

In what cases could a child care option not be considered suitable?

Arguments may be made that any employee could be entitled to either EPSLA or EFMLA if that employee can show that an available child care option is not suitable because, for example, the child is very young, or the child has special needs for which the day care is not equipped. Additionally, if the child care comes at a cost, it may be considered unsuitable in cases where a non-paid family member cared for the child.

A general claim about suitability may be made if there are concerns about COVID exposure in the day care environment and employees are worried about their child's safety.

What do I do if I am denied paid leave per the FFCRA?

If you are denied paid leave per the FFCRA, you may call 1-866-4US-WAGE (1-866-487-8243) or visit [dol.gov/agencies/whd](https://www.dol.gov/agencies/whd) to request enforcement of your FFCRA rights. For the denial of your contractual benefits, you may contact your Local President or CEA UniServ Representative.

The DOL can bring an enforcement action on your behalf. You are eligible for the entire amount that should have been paid to you.

When does entitlement to EPSLA and EFMLA end?

Presently, benefits under both programs are set to expire on December 31, 2020. All entitlement to benefits ends on that date unless the federal government acts to extend it. We have confirmed that all members of Connecticut's Congressional Delegation are in favor of an extension of the Act.

Doesn't Connecticut have paid family and medical leave?

Yes, but it does not go into effect until January 1, 2022.