



## **PAID CHILDCARE LEAVE FOR SUMMER**

June 12, 2020

Summer break has started for many bay area school districts. Parents now face the daunting prospect of getting through the summer with fewer summer camps and programs. Many departments are wondering whether the City is obligated to continue FFCRA Emergency Paid Sick Leave (ESP) and Emergency Paid FMLA (ESF) for employees seeking leave to care for their children because summer camps, summer programs or summer childcare providers are closed or unavailable due to COVID-19.

The answer is yes, but there are conditions employees must satisfy before departments approve paid leave to care for children this summer.

### **Summer Childcare Requires a New Leave Request**

Once the academic year ends, employees are no longer eligible for ESP or ESF to care for children whose schools are closed due to COVID-19. Departments should terminate paid leave benefits approved for school closures effective the last day of school.

Employees must complete a new *Sick Leave, Emergency FMLA, or Vacation Request Form (COVID-19)* to request paid leave to care for children due to a summer camp, summer program or summer childcare provider closure or unavailability caused by COVID-19. The Department of Labor states that employees can take paid leave if “[their] child’s care provider during the summer – a camp or other programs in which the employee’s child is *enrolled* – is closed or unavailable for a COVID-19 related reason.” Use of the word “enrolled” makes it clear that employees who can establish that their children are already enrolled in a camp or program, but unable to attend, are eligible for FFCRA paid leaves.

Employees must state the duration of the summer camp or program in which their children are enrolled. Departments should verify the duration and approve paid leave only for the period that the children would have attended the summer camp or program. Many summer sessions run in weekly increments, up to blocks of two to four weeks.

**Additional Information Required for Employees Unable to Enroll Children in Summer Camps, Summer Programs or Summer Childcare Due to COVID-19**

Given the chaos created by the COVID-19 pandemic, many employees cannot enroll their children in summer camps or programs, or take their children to summer childcare providers usually available. However, these employees may be able to show that last summer they enrolled their children in a summer camp or program that is closed or unavailable this year due to COVID-19. Employees who can show proof of enrollment in a summer camp or program last year, and who certify that but for a COVID-19 related reason, such as camp closure or limited enrollment, they would have enrolled in the same camp or program this year, may be eligible for ESP and/or ESF.

These employees must also show proof of the duration of the camp or program their children would have attended. Again, departments should approve leave only for the duration of the camp or program. Because summer camp sessions generally run in weekly increments, up to blocks of two to four weeks, departments should verify camp and program durations.

**Supplemental Summer Camp, Summer Program, Summer Childcare Request Form (No Enrollment This Summer)**

Attached is a supplemental form for employees who are unable to enroll their children in summer camps, summer programs, or summer childcare, but can show proof of enrollment last summer. This form should accompany the *Sick Leave, Emergency FMLA, or Vacation Request Form (COVID-19)*.