

Know Your Rights for Parents and Educators: Emergency Paid Sick Days and Paid Leave for Child Care and Coronavirus

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The COVID-19 pandemic has made it abundantly clear that creating safe environments for work, care, and learning is vital to keeping people healthy and controlling the spread of the virus. Unfortunately, the administration and many state and local officials have ignored this reality by pushing to reopen physical school buildings without adequate safeguards to protect students, teachers, and staff. In the absence of clear, evidence-based protocols and the resources necessary to carry them out, teachers and parents are being forced to make impossible choices between their livelihoods, health, and the health of their students and children.

The Families First Coronavirus Response Act (FFCRA) contains important paid sick days and paid leave provisions that may help parents and educators navigate these choices by providing many workers new rights to paid sick time and paid family leave for certain coronavirus-related health and family caregiving reasons.

Emergency Paid Sick Time

For immediate needs, the FFCRA provides workers (including educators) with up to 80 hours (10 days/two work-weeks) of paid sick time to address illness and caregiving needs associated with the coronavirus and/or the closure of a child's school or place of care if the employee is unable to telework, regardless of how long the employee has worked for the employer. If you are a member of a union, make sure to check with your local union to see if you have additional paid family or sick leave benefits.

For what reasons can I take paid sick time?

Emergency paid sick time can be taken:

WHO IS COVERED

- Workers (including educators) whose employer has fewer than 500 employees
- Employees of state and local government agencies of all sizes
- Most federal workers (more information [here](#))

OTHER THINGS TO KNOW

- Your employer cannot require you to look for or find a replacement to cover the hours you are on emergency paid sick time.
- If you are enrolled in health coverage through your employer, your employer must continue your coverage during your emergency leave.
- Emergency paid leave (both paid sick days and paid family leave) are available until **December 31, 2020.**

- If you are subject to a federal, state, or local quarantine or isolation order;
- If you have been advised by a health care provider to self-quarantine;
- If you are experiencing coronavirus symptoms and are seeking a medical diagnosis;
- To care for an individual subject to a federal, state or local quarantine or isolation order;
- To care for an individual who has been advised by a health care provider to self-quarantine;
- To care for a child whose school or place of care is closed (including if their child care provider is unavailable) for reasons related to coronavirus.

What if my child’s school has physically closed and moved to a remote learning model?

- If the school’s physical location is closed for coronavirus-related reasons, it is considered “closed” for the purposes of paid sick time and paid leave, even if some or all instruction is still being provided remotely. Eligible workers would therefore be able to take leave to care for a child whose school has physically closed and moved to remote learning for those days that their child is remote learning.

What if my child’s school requires families to choose between attending in person and participating in remote learning?

- If the school is open for physical attendance, it is not considered “closed” for the purposes of paid sick time and paid leave, even if the school offers a remote learning option. Eligible workers would therefore not be able to take leave if they opt to continue remote learning when in-person attendance is available.

How much emergency paid sick time can I use?

- Full-time employees can take up to 80 hours (10 work days) of paid sick time.
- Part-time employees can take the number of hours they work on average over a two-week period.

How much do I get paid when I take emergency paid sick time?

The rate of pay for sick time depends on the reason(s) for which time is taken.

- If you are taking paid sick time **to care for yourself**:
 - You will be paid at your regular rate of pay, up to \$511 per day.
 - If your regular rate of pay is below the minimum wage, you will be paid at least the minimum wage.
- If you are taking sick time **to care for someone else**:
 - You will be paid at two-thirds of your regular rate of pay, up to \$200 per day.
 - If your regular rate of pay is below the minimum wage, you will be paid at least two-thirds of the minimum wage.

Use the Minimum Wage Tracker available [here](#) to find the minimum wage in your jurisdiction.

Will my employer continue providing health insurance coverage when I am on paid sick time?

- Yes, if you are enrolled in health coverage through your employer, your employer must continue coverage during your paid sick leave.

I already earn paid sick time, PTO or other paid leave benefits through a collective bargaining agreement or my employer's personnel policies. What happens to the time I have already accrued?

- You can use this emergency paid sick time first before taking any other time your employer or collective bargaining agreement provides.
- Your employer cannot require you to use other accrued time before or instead of the emergency paid sick time.
- It is important to note that emergency paid sick time cannot be taken retroactively.

Emergency Paid Family Leave for Child Care

For longer-term child care needs, the Families First Act provides up to 12 weeks of job-protected family leave for working parents whose child's school or usual place of care is closed or unavailable due to the coronavirus. This is a new type of leave through the Family Medical Leave Act (FMLA). If you are a member of a union, make sure to check with your local union to see if you have additional paid family or sick leave benefits.

For what reasons can I take emergency paid leave for child care?

- Emergency paid leave can be taken **to care for a child whose school or place of care is closed** (including if their child care provider is unavailable) due to a public health emergency. However, this leave is **only available if you are unable to work or telework**.

What types of child care closures are covered?

- Licensed child care centers, group home child care providers, family child care providers, or a provider who is paid for providing child care services on a regular basis are covered. If you normally receive child care from one of these providers and it is no longer available due to a public health emergency, you may be eligible for emergency paid leave.
- If you normally receive unpaid child care from a relative or other unlicensed provider, it is probably not covered.

What if my child's school has physically closed and moved to a remote learning model?

- If the school's physical location is closed for coronavirus-related reasons, it is considered "closed" for the purposes of paid sick time and paid leave, even if some or all instruction is still being provided remotely. Eligible workers would therefore be able to take leave to care

for a child whose school has physically closed and moved to remote learning for those days their child is remote learning.

What if my child's school requires families to choose between attending in person and participating in remote learning?

- If the school is open for physical attendance, it is not considered "closed" for the purposes of paid sick time and paid leave, even if the school offers a remote learning option. Eligible workers would therefore not be able to take leave if they opt to continue remote learning when in-person attendance is available.

How much emergency paid leave can I use?

- Full-time employees can take up to 12 weeks of leave, paid as if they worked 40 hours per week, although the first two weeks (10 days) can be unpaid.
- Part-time employees can take up to 12 weeks of leave, paid as if they worked for the number of hours they are normally scheduled to work over that period, although the first two workweeks can be unpaid.

Do I get paid my usual salary when I take emergency paid leave?

- The first 10 days of emergency leave can be unpaid (but can be covered by emergency paid sick days discussed above).
- Emergency paid family leave is paid at a rate of two-thirds (2/3) of your regular rate of pay.
- The employer is not required to pay more than \$200 per day and \$10,000 total.

Will my employer continue providing health insurance coverage when I am on paid family leave?

- Yes, if you are enrolled in health coverage through your employer, your employer must continue coverage during your paid family leave.

Will my job be there when I return from taking paid leave?

- Yes. Workers who take emergency leave under the Families First Act are entitled — upon returning from leave — to be restored to their job or an equivalent position.

Some states and localities have additional paid sick days and paid leave protections. Learn more about state and local paid sick days protections [here](#), and state paid family and medical leave protections [here](#).

The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy group dedicated to promoting fairness in the workplace, reproductive health and rights, access to quality, affordable health care and policies that help all people meet the dual demands of work and family. More information is available at NationalPartnership.org.

The American Federation of Teachers is a union of professionals that champions fairness; democracy; economic opportunity; and high-quality public education, healthcare and public services for our students, their families and our communities. More information is available at aft.org.

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