

Camp Closures Now Covered for Paid Employee Leave Under FFCRA

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The U.S. Department of Labor has issued new guidelines for when eligible employees may take paid family leave for the closure of their child's summer camps, summer enrichment programs or other similar programs due to COVID-19-related reasons under the Family First Coronavirus Response Act.

Because many summer camps and programs closed in response to COVID-19 before enrollment could begin or any application processes started, there is no one-size-fits-all rule to qualify for the leave. Under the department's new guidance, employees must demonstrate that a closed summer program was more likely than not to serve as the child's summer place of care had it not closed for COVID-19 related reasons. Absent such evidence, an employee will not be eligible for paid sick leave under the law.

No specific evidence is required to qualify for the leave. But primary indications of probable summer care include applications to the program, any wait listing, or even prior attendance. A parent's mere interest, however, is not enough.

An eligible full-time employee is entitled to a maximum of 12 weeks of expanded family medical leave at 40 hours a week. An eligible part-time employee is entitled to leave for the number of hours that the employee is normally scheduled to work over the 12 week period. Employees taking expanded family leave will be paid two-thirds their regular pay rate or two-thirds of the state minimum wage, whichever is higher.

An eligible employee who requests leave under the FFCRA must provide the employer, orally or in writing, with the name of the child, the name of the summer camp or program that closed due to COVID-19, and a statement that no other suitable person is available to care for the child.

The FFCRA applies to private employers with fewer than 500 employees and public entities whose employees are not covered by the Family and Medical Leave Act. Small businesses with fewer than 50 employees may be exempt from the FFCRA, provided certain conditions are met.

If you have any questions on potential eligibility, please [contact me](#) or any member of the [Barley Snyder Employment Practice Group](#).

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