



## EMPLOYEES MAY TAKE PAID LEAVE TO CARE FOR CHILDREN WHOSE SUMMER CAMP PLANS ARE AFFECTED BY COVID-19

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According to guidance issued by the U.S. Department of Labor on June 26, 2020, covered workers may be eligible for paid leave under the Families First Coronavirus Response Act (FFCRA) to care for children whose summer camp plans were affected by the pandemic. The guidance clarifies the ambiguity surrounding this issue and confirms that taking leave based on planned summer enrollments should not be treated differently than leave for school closings, or other places of care.

As previously detailed in our article entitled **Congress Passes Emergency Paid Sick Leave & FMLA Changes Applicable to Many Employers**, under the FFCRA, covered workers employed by small and mid-size employers can take up to 80 hours of Emergency Paid Sick Leave and an additional 10 weeks under the Expanded Family Medical Leave Act to care for children for reasons related to COVID-19. All of the leave is partially paid by the employer and reimbursable through payroll tax credits.

The guidance specifies that workers may take leave either if a child was enrolled to attend camp, or if they can show "evidence of a plan" for the child to go to camp, even if not yet enrolled at the time of announced camp closure. This "evidence" may come in the form of, for example, submission of an application before the camp's closure, submission of a deposit, the child previously attended the camp and remains eligible, a child who only recently reached the minimum age to go to camp, or moved to a new area and is on a waitlist. However, "a parent's mere interest in a camp or program is generally not enough."

A summer camp or program may also be "closed" for the purposes of FFCRA leave if it is partially closed for reasons related to COVID-19, including operating at a reduced capacity.

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The complete guidance may be found **here**: