

# Request for Paid Leave for Coronavirus-Related Childcare

The Families First Coronavirus Response Act provides up to 12 weeks of partially paid leave to eligible employees who are not able to do work or telework because their child's school or care facility is closed or "virtual," or their childcare provider is unavailable, due to the coronavirus. Full-time employees are eligible for full-time leave, and part-time employees are eligible for leave for the number of hours they are typically scheduled to work. This form helps employees who want to request leave and their employers by asking for the information required by law to grant leave requests. It is not legal or tax advice. Employees who want to request leave should complete the sections below that apply to them and give the completed form to their employer.

**Date:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**How I can be reached to discuss request:**

\_\_\_\_\_

**I am requesting leave to care for my child/children because (please check one or both):**

- My child's school is closed or has gone "virtual" because of the coronavirus.
- My child's care provider is unavailable because of the coronavirus.

**I am unable to work or telework while providing care for my child/children. No other suitable person is available to care for my child or children listed below. No other person will be providing care during the time I am requesting leave.**

**I need to take leave from**\_\_\_\_\_ **through**\_\_\_\_\_.

**I want to take (check one):**

- Full-time leave
- Part-time leave on the following schedule:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**If you would like to be allowed to use your existing paid time off to supplement the 2/3 emergency paid leave, to receive your normal full pay during the leave, complete this section. Please describe what type of paid time (sick, vacation, personal holiday, etc.) you would like to use and how much you would like to use:**

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**Information about my children who need childcare:**

**Child 1** Name: \_\_\_\_\_ Age: \_\_\_\_\_

Name of regular caretaker or school: \_\_\_\_\_

**Child 2** Name: \_\_\_\_\_ Age: \_\_\_\_\_

Name of regular caretaker or school: \_\_\_\_\_

**Child 3** Name: \_\_\_\_\_ Age: \_\_\_\_\_

Name of regular caretaker or school: \_\_\_\_\_

**Child 4** Name: \_\_\_\_\_ Age: \_\_\_\_\_

Name of regular caretaker or school: \_\_\_\_\_

**If any of your children who need your care during daylight hours are older than 14, complete this section. To receive paid leave the following must be true (check box if true):**

My child is older than 14, but special circumstances require me to care for her/him/them during daylight hours

*This form was created by the Center for WorkLife Law, a nonprofit, nonpartisan research institute at the University of California, Hastings Law that works to ensure that employees who care for family members are able to meet their responsibilities to both their employers and their families. More information is available at [www.worklifelaw.org](http://www.worklifelaw.org).*

- The Families First Coronavirus Response Act applies only to private businesses that have fewer than 500 employees and to government agencies of all sizes.
- An employee who needs leave for childcare because schools are closed or virtual, or childcare providers are unavailable, because of the coronavirus is eligible for **2 weeks of emergency paid sick time**. During the time off, employers must pay the employee two-thirds (2/3) of their regular rate of pay or two-thirds (2/3) of the minimum wage that applies where they work, whichever is more. Employers are not required to pay more than \$200 per day or \$2,000 total. Employers may *not* require an employee to use sick days, vacation time, or other paid time off before taking two weeks of emergency paid sick time, or while taking the emergency paid sick time. If the employer agrees, the employee may choose to use vacation, sick, or other paid time off to supplement the 2/3 pay, to receive full pay.
- An employee who has been employed for 30 days or longer and has not already exhausted their FMLA leave for the year is also eligible to receive **12 weeks of emergency paid leave for childcare**. The first 10 workdays of this leave do not have to be paid, but the employee can receive pay for the first 10 workdays by using their 2 weeks of emergency paid sick time (see above) or any vacation, sick time, or personal days they already have. After the first 10 workdays, employers must pay the employee two-thirds (2/3) of their regular rate of pay, based on the number of hours they normally work. Employers do not have to pay an employee more than \$200 per day or \$10,000 total of emergency paid leave (\$12,000, if including the 2 weeks of paid sick time, above). Employers can require employees to use any paid time off that is available for this purpose under the employer's policy (for example, personal leave, but typically not medical leave) and receive full pay. Or, if the employer agrees, the employee may choose to use vacation, sick, or other paid time off to supplement the 2/3 pay, to receive full pay. **Be aware:** Taking emergency childcare leave reduces an employee's annual allowance of Family and Medical Leave Act (FMLA) leave available for other reasons like birth/adoption.
- Emergency employer-paid leave and sick time is not available to all employees:
  - Employers may provide paid leave to healthcare providers and emergency responders, but they are not required to do so.
  - An employee is not eligible for paid leave if their employer does not have work for them to do during the time they need the leave (e.g., if their worksite is closed or they are furloughed).
  - Most federal employees will not be eligible for the 12 weeks of emergency leave but will be eligible for the 2 weeks of sick time.
  - Employees who have already used all of their FMLA time for the year are not eligible for the emergency paid leave for childcare, though they are eligible for the 2 weeks of paid sick leave (see above). Check with your employer to determine what timekeeping cycle they use to determine FMLA years, and whether you have time left.
  - In rare circumstances, a business with fewer than 50 employees is not required to provide paid leave when doing so would cause the business to have to stop operating.
- If a child's school alternates between in-person and remote education, the employee must be allowed to take leave on those days when the child is engaged in remote learning, as well as to continue working on the days when the child attends school in person. If an employer and employee agree, then an employee may take part-time ("intermittent") leave for any other reason.
- Employers receive tax credits to cover costs associated with providing paid leave. Visit: <https://www.irs.gov/newsroom/covid-19-related-tax-credits-for-required-paid-leave-provided-by-small-and-midsize-businesses-faqs>.
- For more information, view frequently asked questions and answers from the Department of Labor: <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>.
- Employees who are not eligible or use up their paid leave under the Families First Coronavirus Response Act may be eligible for job-protected leave under the Family and Medical Leave Act, the Americans with Disabilities Act, and/or other federal, state, and local laws. They may also be eligible to collect unemployment

insurance, pandemic unemployment assistance, paid family leave, or other benefits from the state where they work.