Information for Childcare during the Coronavirus Pandemic

Temporary increase of child sick leave and expanded eligibility

Pay scale employees:

On 22 April 2021, with the fourth law on the protection of the population in the event of an epidemic situation of national significance (Vierte Gesetz zum Schutz der Bevölkerung bei einer epidemischen Lage von nationaler Tragweite), federal lawmakers further amended and expanded the regulations governing childcare leave provided in Section 45 of Book V of the German Social Security Code (SGB V).

The regulations have been expanded by Section 45 subsection 2a SGB V as follows:

1. **Number of days of childcare leave:**
   - The number of days of childcare leave has been increased to 30 working days per parent and per child. Parents caring for more than one child can claim childcare leave for up to 65 days in total.
   - Single parents now have up to 60 days of childcare leave available for each child. Single parents of more than one child can claim childcare leave for up to 130 total working days.

2. **Expanded eligibility:**
   - Generally, parents were only entitled to paid childcare leave if they produced a doctor’s note confirming the need to stay away from work to look after a sick child under the age of 12 or a child who requires help due to a disability.
   - In addition to cases of illness, parents are also entitled to paid childcare in 2021 for the following cases:
     - a child who is not ill must be cared for at home as the childcare facilities, schools, and care homes for people with disabilities have been temporarily closed to prevent the spread of infection or communicable disease as per the German law on the prevention and control of infectious diseases (Infektionsschutzgesetz, IfSG)
     - a child cannot enter the aforementioned facilities, for example, due to a mandatory quarantine
     - the competent authority has ordered or extended vacation or a shutdown in a school or organization to prevent or control infection
     - a child’s school has suspended compulsory attendance rules
     - a parent’s access to childcare has been restricted
     - official recommendations advise against the child attending the facility

   Employers may request a letter of confirmation from the childcare provider or school to prove that one of the above reasons applies.

   Parents remain eligible for childcare leave even if they can work from home.
All other legal requirements remain unchanged (the child must be under the age of 12 or require help due to a disability; there must be no other person in the household who can look after the child; the parents and child must be covered by statutory health insurance).

Civil servants:

For 2021, federal lawmakers have amended Section 45 of Book V of the German Social Security Code to increase the childcare leave period and extend the eligibility conditions for childcare leave, essentially increasing the number of paid childcare leave days available to employees with wage agreements. These regulations apply to civil servants as follows:

1. **If the civil servant’s salary, excluding family-related benefits and compensation for expenses, does not exceed the annual threshold set by the statutory health insurance fund:**

   Eligibility for paid special leave to look after sick children as specified in No. 5 Subsection 3 of the directives on granting unpaid special leave for civil servants and judges (Richtlinien über die Bewilligung von Sonderurlaub für Beamten und Beamte sowie Richterinnen und Richter, HmbSUrlR) increases to 30 working days per parent and per child during 2021 only; this is equivalent to the changes made to childcare leave regulations in Section 45 of Book V of the German Social Security Code. Parents caring for more than one child can claim up to 65 days of childcare leave in total. Single parents are eligible for 60 days of childcare leave per child; single parents with multiple children can claim up to 130 days of childcare leave in total.

   Due to the expanded eligibility as laid down in Section 45 of Book V of the German Social Security Code, parents looking after children who are not sick will be granted paid special leave in the following cases as per No. 13, HmbSUrlR:

   - a child who is not sick but must be looked after at home because childcare facilities, schools, and care homes for people with disabilities have been shut by the authorities to prevent the spread of infectious disease as per the German law on the prevention and control of infectious diseases (Infektionsschutzgesetz, IfSG)
   - a child cannot enter the aforementioned facilities, for example, due to a mandatory quarantine
   - the competent authority has ordered or extended vacation or a shutdown in a school or organization to prevent or control infection
   - a child’s school has suspended compulsory attendance rules
   - a parent’s access to childcare has been restricted
   - official recommendations advise against the child attending the facility

   Employers may request a letter of confirmation from the childcare provider or school to prove that one of the above reasons applies. Parents remain eligible for childcare leave even if they can work from home.

   All other requirements remain unchanged (the child must be under the age of 12 or require help due to a disability; there must be no other person in the household who can look after the child).
Furthermore, special leave that has already been granted to employees to care for sick children will be taken into account. This means that per calendar year, under the conditions outlined above, a parent can take up to 30 days for one child and up to 65 days in total for more than one child regardless of whether or not a child is sick. Single parents can take up to 60 days for one child and up to 130 days in total for more than one child.

2. If the civil servant’s salary, excluding family-related benefits and compensation for expenses, exceeds the annual threshold set by the statutory health insurance fund:

Under the requirements laid down in No. 5 subsection 1 e) bb)  HmbSUrlR, parents looking after sick children under the age of 12 continue to be eligible for 4 days of paid special leave.

Leave days requested to look after children who are not sick under the requirements laid down in No. 1 will be granted as paid special leave for up to 3 days as per No. 5 Subsection 2 HmbSUrlR.

Applications must be submitted to the Department of Human Resources department using the official channel.