



## NEWSFLASH

### Special paid leave for child care during temporary school closure

Dear Ladies and Gentlemen,

In the context of the present pandemic caused by the COVID-19 virus, there are several aspects which should be borne in mind by employers in Romania. Please find the latest article on this topic by STALFORT Legal. Tax. Audit. [here](#) .

Due to the recent closing of schools, the Romanian Parliament has adopted a law (draft law no. 337/ 2019) which ensures paid leave to parents whose children are temporarily forced to stop attending their classes. This measure is attributed to “bad weather conditions or other extreme circumstances”, as decreed by the competent authorities and will thus apply also in other situations than those created by the Coronavirus.

The bill has been promulgated by the president and is in force.

As mentioned, employers will have to provide some categories of parents with paid special leave with the purpose of supervising children of certain ages for the entire period of school closures.

#### Who is entitled?

The request can be filed by **only one parent** who meets the following cumulative criteria:

1. he/ she has children up to the age of 12 or children with disabilities up to 18 years of age, enrolled in an educational establishment.
2. the specific job of the applicant does not allow home working or tele-working.

Single persons from monoparental families, the legal representative of a child, and persons designated by law for exercising parental authority are also entitled to the special paid leave.

#### Which procedure has to be kept?

The special leave must be requested to the employer.

Any leave request must be accompanied by an affidavit of the other parent, stating that he/ she has not also requested such leave according to the same law. This does not apply to single parents.

Certain categories of workers in key fields of the economy, such as healthcare or social services institutions, the transport sector, telecommunication and energy supply units, cannot receive the special leave but with the consent of the employer.

### **Which payment do employees receive?**

For each day of leave, the entitled person receives an indemnity amounting to 75% of his / her salary, calculated on a daily basis, however capped at 75% of the average gross salary used for establishing the state social insurance budget.

### **Who pays the indemnification?**

The indemnity will be paid by the employer in the first instance.

The amounts paid shall be settled with the Wages Guarantee Fund (*fondul de garantare pentru plata creantelor salariale*) for the period of the imposed school closures. Until the end of the financial year, the above mentioned settled amounts paid will be reimbursed via the state budget, according to a procedure to be established by a government decision within 30 days from the entry into force of this adopted law.

### **How many days off does the parent receive?**

For each situation leading to temporary school closures, the exact amount of days provided as special paid leave will be established by government decision.

We will be happy to answer any questions you may have.

Sincerely,  
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Managing Partner



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