

Paid parental leave during school closure - how it works

As we previously reported, in order to address the constraints triggered by the closure of schools during the COVID-19 outbreak, the Romanian Parliament enacted Law no. 19/2020 granting parents (under certain conditions), the right to paid leave. In the meantime, subsequent legislation (Government Decision no. 217/2020 and Emergency Government Ordinance no. 30/2020) were published on 21 March 2020, amending Law no. 19/2020 and detailing on the manner in which the State supports the payment of the indemnity due to the employees while on leave.

Under Government Decision no. 271/2020, it is clarified that parental leave for the purposes of childcare/supervision shall be granted for the duration of the state of emergency, except for any working days falling during the normal school break/holidays (when school would have been out even in the absence of the COVID-19 pandemic). To benefit from paid leave under this legislation, the parent who is going to supervise the child must file an application with its employer, together with an affidavit issued by the other parent, confirming that he/she has not made a similar application before his/her own employer, and does not otherwise benefit from annual leave or unpaid leave during the same period.

With respect to the payment of the indemnity, Government Decision no. 271/2020 clarifies that the amounts paid to the employees while on parental leave (i.e. 75% of base salary income related to a workday, but no more than 75% of the average gross salary used as a reference value for the annual social security budget – currently set at 5,429 RON) shall be reimbursed by the State. The reimbursement request must be filed with the local workforce occupation agency, accompanied by a set of documents, not later than 30 days from the payment of the indemnity to the employee (and of the associated taxes/contribution). Amounts paid should be reimbursed within 60 calendar days from submission. The set of documents includes a template affidavit to be issued by the employer confirming that the employees who have benefitted from the paid leave meet the conditions and are eligible to receive the indemnity in accordance with the provisions of the law – the template form of this affidavit will be approved by order of the National Workforce Occupation Agency within 30 days.

It is therefore clear now that these amounts will be advanced by employers, and subsequently recovered from the State, subject to the timely submission of an application before the local workforce occupation agency. Note that amounts paid may be requested only within a 30-day window after payment of the indemnity – after that, the right to apply for reimbursement of such amounts will be time-barred. Applications may be submitted electronically, failing which, by any other means of communication (e.g. post). It is hoped that the State – which is typically notoriously bad at processing reimbursement requests (for example, for medical leave) within a reasonable timeframe – will ensure that these applications are dealt with swiftly, and payment is made within the 60 day deadline provided above.

*For further information on how the above changes might affect you, please contact our CMS local expert, **Cristina Popescu**.*