Notes on family caregiving during the coronavirus pandemic

Temporary changes to the caregiving leave act (Gesetz über die Pflegezeit, PflegeZG) and the act on family caregiving leave (Gesetz über die Familienpflegezeit, FPfZG)

Pay scale employees:

For acute pandemic-related nursing care situations (e.g., due to daytime nursing care facility closures), staff members employed through collective wage agreements may take a leave of absence from work for up to 20 work days until 31 March 2020 pursuant to the caregiving leave act (Gesetz über die Pflegezeit, PflegeZG).

Moreover, nursing care leave or family care leave can be taken on a flexible basis until 31 March 2020 as follows:

- Employees who have not used up the full amount of nursing care leave or family care leave to which they are legally entitled can claim their remaining allowance up to the maximum duration (6 months for nursing care leave, 24 months for family care leave) and the maximum combined duration (nursing care leave plus family care leave) of 24 months with their employer’s consent. While the remaining time can be split into several periods, the days must be taken by 31 March 2021 at the latest.
- Your employer may agree to waive the requirement to consider family care leave and nursing care leave as a consecutive bloc.
- The notification period has been shortened from 8 weeks to 10 days.
- During family care leave, you may work fewer than the minimum required 15 hours per week for a maximum of one month.
- Access to a nursing care subsidy to compensate for any loss in salary has been made easier.

After 31 March 2021, employees will be legally entitled to one further period of leave of absence to use up their remaining nursing care leave or family care leave in order to look after the same relative, provided that the completed nursing care leave or family care leave was based on the special regulations related to the COVID-19 pandemic. In such cases, the requirement to consider family care and nursing care as a consecutive bloc is waived.
Civil servants:
The following regulations govern short-term absence from work, nursing care leave, and family care leave for civil servants:

Increase of short-term absence from work from 10 to 20 days
Under Section 63a subsection 1 of the Hamburg civil servants act (Hamburgisches Beamtensgesetz, HmbBG), civil servants can claim short-term leaves of absence for 10 days, 9 of which are paid. Under no. 13 of the directives on granting unpaid special leave for civil servants and judges (Richtlinien über die Bewilligung von Sonderurlaub für Beamtinnen und Beamte sowie Richterinnen und Richter, HmbSUrlR), they will further be entitled to an additional 10 days of special leave, 9 of which are paid, until 31 March 2021 under the conditions laid down in Section 63a subsection 1 HmbBG. These days must be taken by 31 March 2021 at the latest.

Extending nursing care leave
Nursing care leave may be extended up to the limits specified in Section 63a subsection 4 HmbBG under Section 63a subsection 4 sentence 2 HmbBG with the employer’s consent. During the current situation, employers must grant their employees one extension of a period of nursing care leave that arises due to an extraordinary nursing care situation caused by the pandemic.

Extending family care leave
Employers must also grant their employees one extension of a period of family care leave that arises due to an extraordinary nursing care situation caused by the pandemic up to the limits specified in Section 63b subsection 3 HmbBG.

Claiming nursing care leave not immediately following a period of family care leave
If an employee applies for nursing care leave following family care leave in order to care for the same person, the nursing care leave must be taken immediately following the family care leave pursuant to Section 63a subsection 3 sentence 3 HmbBG. However, if nursing care leave or care for the same person is not required immediately following nursing care or family care leave to cover for any pandemic-related gaps in care, a review may be conducted on a case-by-case basis.