

133**ACT**

of March 25, 2020

on selected amendments in social security in connection with extraordinary measures during epidemic in 2020

The Parliament of the Czech Republic has adopted the following act:

§ 1**Extraordinary measures during epidemic**

- (1) Extraordinary measure during epidemic for the purposes of this Act means the emergency measure adopted by the Czech Government at the time of the emergency state in 2020 due to health threats in relation to the proven occurrence of coronavirus / known as SARS CoV-2 / and extraordinary measures issued in 2020 by the Ministry of Health pursuant the Section 69 (1) letter (i), Section 69 (2) and Section 80 (1) letter (g) of the Act on Protection of Public Health and on change of certain related acts, in order to protect the population and to prevent danger of outbreak and spread of the COVID-19 disease caused by the new coronavirus, regarding the prohibition of the personal presence of children, pupils and students in facilities and schools the closure of which is the reason of entitlement to carer's allowance or entitlement to leave of absence with the provision of income.
- (2) Claims under this Act arise only during the period of validity of the extraordinary measure during epidemic.
- (3) This Act shall apply to legal relationships, which are not regulated by the directly applicable regulation of the European Union in the field of social security¹.

§ 2

- (1) The decision of the facility founder on the closure of such facility, provided that it has been done in a direct connection with the extraordinary measure during epidemic, shall also be regarded as the decision of the competent authority on the closure of facilities determined for pre-school children under Section 39 (1) letter (b) point (1) of the Act on Sickness Insurance or under Section 70 (2) letter (f) point (1) of the Act on Service of Members of the Security Corps.
- (2) The facility according to Section 39 (1) letter (b) point (1) and point (2) of the Act on Sickness Insurance, or according to Section 70 (2) letter (f) point (1) and point (2) of the Act on Service of Members of the Security Corps, also includes facilities determined for care of persons who are dependent on the assistance of another person at least at grade I (light dependence) under the Act on social services.

§ 3

- (1) A staff member who is not able to work due to taking care of a person aged over 10 years of age who is located in the facility referred to in Section 2 (2) shall also be entitled to the carer's allowance if the facility has been closed on the basis of an extraordinary measure during the epidemic.
- (2) A staff member who is not able to work due to care of child aged over 10 who has not reached the age of 13, provided that the conditions set out in Section 39 (1) letter (b) point (1) or point (2) of the Act on Sickness Insurance are fulfilled, or due to care of a dependent child who is dependent on the assistance of another person at least at grade I (light dependence) under the Act on Social Services and cannot attend school due to its closure on the basis of an extraordinary measure during epidemic, shall also be entitled to the carer's allowance. The child's dependence shall be assessed in accordance with the Act on Pension Insurance.
- (3) Otherwise, the Act on Sickness Insurance shall apply on carer's allowance referred to in paragraphs 1 and 2.

§ 4

- (1) The support period for the carer's allowance shall be extended for the period during which the closure of the facility or school due to the extraordinary measure during epidemic continued.
- (2) Paragraph 1 shall apply even if the support period has expired before this Act comes into effect.
- (3) Within the support period provided in paragraph 1, the change pursuant to the first sentence of Section 39 (4) of the Act on Sickness Insurance may be done more than once, however such a change is not possible within one calendar day; the conditions for entitlement to the carer's allowance and the reference period shall be assessed for each entitled person as of the first day of care. In the case of a change under the first sentence, the carer's allowance shall be paid to each entitled person in respect of each calendar month, for the days of his care as declared on the prescribed form; the days in which the child (person) was cared of by the other entitled person shall also be given on that form.

1) For example, Regulation (EU) No. 883/2004 of the European Parliament and the Council of April 29, 2004 on the coordination of social security systems, as amended, Regulation (EU) No. 987/2009 of the European Parliament and the Council of September 16, 2009 providing detailed rules for the application of the Regulation (EU) No. 883/2004 on the coordination of social security systems, as amended, Regulation (EU) No. 1231/2010 of the European Parliament and the Council of November 24, 2010 extending the scope of Regulation (EU) No. 883/2004 and Regulation (EU) No. 987/2009 to third-country nationals to which the provisions of these Regulations are not yet applicable due to their nationality.

- (4) In the case of the payment of carer's allowance for the duration of the support period extended pursuant to paragraph 1, the procedure provided in Section 110 (3) of the Act on Sickness Insurance shall apply mutatis mutandis, unless otherwise provided in paragraph 3.

§ 5

- (1) A member of the security corps, who is not able to perform the service due to care of a child aged over 10 who has not reached the age of 13, shall also be entitled to the leave of absence with the provision of income pursuant to Section 71 (2) of the Act on Service of Members of the Security Corps, if the facility has been closed on the basis of an extraordinary measure during the epidemic.
- (2) A member of the security corps, who is not able to perform the service due to care of a child aged over 10 years of age, who is located in the facility referred to in Section 2 (2), shall also be entitled to the leave of absence with the provision of income pursuant to Section 71 (2) of the Act on Service of Members of the Security Corps, if the facility has been closed on the basis of an extraordinary measure during the epidemic.
- (3) The period of leave of absence with the provision of income pursuant to Section 71 (2) of the Act on Service of Members of the Security Corps shall be extended for the period during which the closure of the facility or school due to the extraordinary measure during epidemic continued; same procedure applies even if the leave of absence for the very same reason has been consumed before this Act comes into effect.

§ 6

Effective date

This Act comes into effect on the day of its publication.

Vondráček m.p.

Zeman m.p.

Babiš m.p.