



COUNCIL OF THE DISTRICT OF COLUMBIA
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004

March 27, 2020

Michelle Garcia
Interim Director,
DC Office of Human Rights
441 4th Street NW, Suite 570 North
Washington, DC 20001

Dear Director Garcia:

We write to you today as members of the DC Council and authors of the COVID-19 Response Emergency Amendment Act of 2020. Specifically, we would like to share our intent regarding Section 102 on employee protections that amended on an emergency basis the DC Family and Medical Leave Act (DC FMLA) in order to respond to the coronavirus emergency. Bill 23-718 (D.C. Act 23-247) was expedited to ensure that these measures were in place as soon as possible. In the absence of a committee report, where the Council's intent is usually articulated, we write to provide that information now to assist you in your interpretation of the law.

DC FMLA leave protects both the job and the health insurance benefits of employees while they are on unpaid leave. The Council intended with the emergency amendments for FMLA leave to be available to any employee who needs to be absent from work as a result of the coronavirus emergency, including to employees in the following situations, and others that may arise:

- Employees who would normally be excluded from coverage because they have not satisfied the minimum number of hours, or length of employment requirements, or work for an employer that does not meet size requirements; this includes employees taking leave for their own needs or to care for family members affected by coronavirus;
- Employees who must quarantine or isolate due to a COVID-19 diagnosis or exposure to the disease, as well as employees caring for family members diagnosed with or exposed to the disease;
- Employees who are at high risk of contracting coronavirus and are advised by a medical professional to stay indoors so they are not exposed;
- Employees caring for a family member who are at high risk of contracting coronavirus and are advised by a medical professional to stay indoors to avoid exposure; and
- Employees caring for children whose child care centers or schools are closed, whether by order of the Mayor, in the case of DC Public Schools, or voluntarily, such as private schools that closed following guidance from one or more District or federal agencies regarding social distancing.



Additionally, the Council encourages employees and employers to work together to determine if the employee's work hours can be adjusted or the employee can work from home, rather than using unpaid DC FMLA leave. We support the issuance of regulations or guidance that would encourage or even require employers to accommodate employees' needs before placing them on FMLA leave.

We appreciate your quick work to develop guidance on this legislation and we hope you find this background helpful. If you have any questions, please do not hesitate to reach out to the committee director for the Council's Labor and Workforce Development Committee, Liz Weiss, at lweiss@dccouncil.us and 202-394-3943.



Chairman Phil Mendelson
Council of the District of Columbia

Sincerely,



Elissa Silverman
Chair, Committee on Labor and
Workforce Development

cc: Mayor Muriel Bowser