

DC Family and Medical Leave Act during COVID-19

- Temporary "COVID-19" Leave during the Declared Public Health
Emergency related to COVID-19 -



THIS NOTICE APPLIES TO EMPLOYERS OF ANY SIZE WITH ONE OR MORE EMPLOYEES IN THE DISTRICT OF COLUMBIA.

On May 27, 2020, the Mayor signed the D.C. COVID-19 Support Emergency Amendment Act (CSEA), D.C. Act 23-326, which replaces all previous Coronavirus-related legislation and temporarily amends the D.C. Family & Medical Leave Act to create a new COVID-19 job-protected leave for employees in the District of Columbia, effective from **March 11, 2020 to October 9, 2020**.

KEY PROVISIONS OF THE AMENDMENTS TO THE DCFMLA

1. **COVID-19 Leave (D.C. Code § 32-502.01):** During the public health emergency, an employee who has **worked for 30 days** for an **employer of any size** may use up to 16 weeks of "COVID-19" leave for one of the following reasons:
 - a. **Care for Self:** A recommendation from a healthcare provider to quarantine or isolate, including because the employee or an employee's household member is high risk for serious illness from COVID-19;
 - b. **Care for Family or Household Member:** A need to care for a family member or a member of the employee's household pursuant to a government or healthcare provider's order to quarantine or isolate; or
 - c. **Childcare Closure:** A need to care for a child whose childcare facility is closed or childcare provider is unavailable.

The right to COVID-19 Leave terminates when the public health emergency has ended, even if an employee has not exhausted the 16-week entitlement.

2. **Certification (D.C. Code § 32-502.01(c)):** For COVID-19 Leave, an employer may request certification of the need for leave, including a signed, dated letter from a healthcare provider, including a probable duration, or a statement by a childcare provider or a printed statement from the childcare provider's website.
3. **Penalties:** Violation of the COVID-19 Leave provision (D.C. Code § 32-502.01) could result in a civil penalty of \$1000 per offense in addition to any damages outlined in D.C. Code § 32-509.
4. **Effective Dates:** CSEA is retroactive, effective March 11, 2020 and will expire at the end of a declared public health emergency. Currently, the state of public health emergency will expire October 9, 2020, pursuant to Mayor's Order 2020-079.
5. **No Effect on Traditional Family and Medical Leave:** CSEA does not change the definitions of employer and employee, or eligibility for traditional family and medical leave entitlements, i.e., the employee must have worked for one year without a break in service and at least 1,000 hours in the preceding twelve months, and only employers with 20 or more employees are covered. Guidance on traditional family and medical leave can be found at: <https://ohr.dc.gov/page/OHRGuidance>.

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FREQUENTLY ASKED QUESTIONS

OHR issued an interpretational guidance with answers to frequently asked questions, which may be accessed here: <https://ohr.dc.gov/page/OHRGuidance>.

EMPLOYER POSTING REQUIREMENTS

The employer must post and maintain this notice in a conspicuous place and transmit it to employees working remotely. An employer that willfully fails to post this notice may be ordered to pay a fine of up to \$100 for each day the employer fails to post the notice.

Filing a Complaint of a Violation

If you believe an employer has wrongfully denied you COVID-19 leave, family leave, medical leave, or retaliated against you under this statute, you can file a complaint within one year of the incident with the Office of Human Rights (OHR). To file a complaint, visit ohr.dc.gov. Questions about the OHR process can also be answered by phone at (202) 727-4559.

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