District of Columbia
Family & Medical
Leave Act

Frequently Asked Questions

1. **What is covered under the District of Columbia Family and Medical Leave Act (DCFMLA)?**

   The District of Columbia's Family and Medical Leave Act ("DCFMLA") requires employers with twenty (20) or more employees in the District of Columbia to provide sixteen (16) weeks of job-guaranteed "medical" leave to qualified employees with a serious health condition every twenty four (24) months. An employee is also entitled to up to sixteen (16) weeks of "family" leave during a 24-month period (1) for the birth or adoption of a child or (2) to care for a family member with a serious health condition. An employee must be reinstated to the same or an equivalent position at the end of protected family and medical leave.

2. **What qualifies an employee as eligible under the DCFMLA?**

   To qualify for leave pursuant to DCFMLA, an employee must meet the following requirements: (1) been employed by the employer for at least one year without a break in service and (2) worked for at least 1,000 hours (an average of 19 hours per week or approximately 6 months of full time) during the 12-month period immediately preceding the requested medical leave. The one year or 12 month requirement need not be immediately preceding the request for leave pursuant to the Act.

3. **Is the District of Columbia government considered a single employer or are the individual agencies the employer for purposes of employee eligibility?**

The District of Columbia government is considered a single employer; therefore, if an employee has worked for one agency for 5 years and has only worked for another agency for 7 months, he/she may be entitled to DCFMLA.

4. **How often can an employee use FMLA?**

   Leave under the DCFMLA may be taken in blocks of time, intermittently, and under certain circumstances, a reduced schedule.

5. **What type of leave is available under FMLA?**

   It is the employee's choice. He or she can utilize Leave without Pay (LWP) or if the employee elects, he/ she can use any type of paid leave available including sick, annual, compensatory, or leave bank. Essentially, the employee can use whatever type of leave is available under the employer's system.

6. **If the employer experiences a Reduction-in-Force, can an employee on FMLA be terminated?**

   Yes. The employee may be terminated or his/her position may be eliminated as long as it is not a pretext for discrimination.

7. **Does an employee have to specifically ask for FMLA to trigger DCFMLA?**

   No. If the employee provides sufficient information which would trigger DCFMLA, it is the employer's duty to engage in the interactive process to determine if the employee's circumstance is covered by the Act. For example, if an eligible employee states that he/she will need time off to take care of his/her sick mother, the employee may be entitled to DCFMLA. The same is true for the employee's own serious medical condition.

8. **If the employer is covered by both DCFMLA and federal FMLA and the serious medical condition is covered by both laws, is the time designated concurrently or consecutively?**

   The time is designated concurrently. For example, if an employee is eligible under both laws (federal: 1250 hours, 12 months and DC: 1000, 12 months), depending on the circumstances, the administrator may simultaneously designate or subtract time from both entitlements.

To learn more about DCFMLA, contact DCFMLA@dc.gov.