

DC FAMILY AND MEDICAL LEAVE ACT DURING COVID-19

COVID-19 Leave during Public Health Emergency

- Temporary "New COVID-19 Leave" under DC Family and Medical Leave Act (DCFMLA) Workplace Poster - Updated January 14, 2022



THIS COVID-19 LEAVE NOTICE APPLIES TO EMPLOYERS OF WITH 20 OR MORE EMPLOYEES IN THE DISTRICT OF COLUMBIA.

Effective Date: November 5, 2021

SUBJECT

- Starting November 5, 2021, an employee who has worked for 30 days for an employer with 20 or more employees may use up to 16 weeks of New COVID-19 Leave (D.C. Code § 32-502.01, version approved November 18, 2021) for one of the following reasons:
 - Positive Test Result** – if the employee tested positive for COVID-19 or is caring for a family member or individual with whom the employee shares a household who has tested positive for COVID-19 and must quarantine pursuant to Department of Health guidelines
 - Isolation or Quarantine** – if the employee has a recommendation from a health care provider or a directive from an employer that the employee isolate or quarantine due to COVID-19, including because the employee or an individual with whom the employee shares a household is at high risk for serious illness from COVID-19
 - Care for Other** – if the employee must care for a family member or an individual with whom the employee shares a household, who is isolating or quarantining pursuant to Department of Health guidance, the recommendation of a health care provider, or the order or policy of the family member's or individual's school or childcare provider
 - Childcare Closure** – if the employee must care for a child whose school or place of care is closed or whose childcare provider is unavailable to the employee due to COVID-19.
- Certification** – An employer may request reasonable certification of the need, such as:
 - Dated test result
 - Health care provider signed and dated statement
 - Copy of Department of Health guidance and documentation demonstrating need to comply
 - Copy of childcare facility policy or written statement from the facility.
- Advance Notice** – An employee must provide advance notice where possible, or otherwise as soon as possible after a need to take leave arises.
- Unpaid Leave** – New COVID-19 Leave is unpaid, but an employee may use accrued paid leave, which counts against the 16-week entitlement.
- Penalties** – A violation of COVID-19 leave provisions could result in a fine of \$1,000 per offense as well as damages outlined in D.C. Code § 32-509.
- Effective Dates** – New COVID-19 Leave is available starting November 5, 2021.

EMPLOYER POSTING REQUIREMENTS

ALL employers with 20 or more employees in the District, must post and maintain this New COVID-19 Leave Notice in a conspicuous place. 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.

FREQUENTLY ASKED QUESTIONS

OHR has issued an interpretational guidance on the New COVID-19 Leave provisions with answers to frequently asked questions, which may be accessed here: ohr.dc.gov/page/OHRGuidance.

Filing a Complaint of a Violation

If you believe an employer has wrongfully denied you "New 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.



ohr.dc.gov

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