

# DC Family and Medical Leave Act during COVID-19

- Temporary "Declaration of Emergency Leave during Declared Public Health Emergency" -



On March 17, 2020, the Mayor signed the COVID-19 Response Emergency Amendment Act (CREA), which temporarily amends the D.C. Family and Medical Leave Act (DCFMLA) to expand leave coverage during a public health emergency for employees working in the District of Columbia. The amendments take effect from **March 17, 2020 to June 15, 2020**.

## KEY PROVISIONS OF THE AMENDMENTS TO THE DCFMLA

- 1. Waiver of Certain Requirements (D.C. Code § 32-501(1)):** During a public health emergency declared by the Mayor, when requesting leave under the DCFMLA, an employee need not have worked for the employer for 1,000 hours in the past year or have one year of continuous service, if the employee has been ordered or recommended to self-quarantine or isolate by a medical professional, the Department of Health, or other District or federal agency.
- 2. Creation of "Declaration of Emergency" (DOE) Leave (D.C. Code § 32-502.01):** A new section is added to the DCFMLA providing that during a public health emergency declared by the Mayor, if an employee is unable to work due to the circumstances giving rise to the public health emergency, the employee may request for "declaration of emergency" leave **during** the declared public health emergency period.
- 3. Applicability for DOE Leave (D.C. Code § 32-516):** During a public health emergency declared by the Mayor, for the DOE leave, the benefit applies to employees working for an employer of any size (1 or more employees in the District of Columbia).
- 4. Certification (D.C. Code § 32-502.01):** For DOE Leave, recommendation from the Mayor, Department of Health, medical professional, or other District or federal agency that the employee self-quarantine or isolate is sufficient; for government mandated quarantine or isolation, the declaration of public health emergency shall serve as certification.

## EMPLOYER POSTING REQUIREMENTS

The employer must post and maintain this 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.

### Filing a Complaint of a Violation

If you believe an employer has wrongfully denied you "declaration of emergency" 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](http://ohr.dc.gov) or email the complaint to [ohr.intake@dc.gov](mailto:ohr.intake@dc.gov).

Questions about the OHR process can also be answered by phone at (202) 727-4559 or via email at [ohr.intake@dc.gov](mailto:ohr.intake@dc.gov).

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