

COVID-19 Leave during Public Health Emergency

- Temporary "COVID-19" Leave under DC Family and Medical Leave Act (DCFMLA) Workplace Poster- Updated June 8, 2021



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

Effective Dates: March 11, 2020 through approximately September 30, 2021 (or the end of the public health emergency, if sooner)

KEY PROVISIONS OF TEMPORARY COVID-19 LEAVE UNDER DCFMLA

1. **COVID-19 Leave (D.C. Code § 32-502.01):** During a declared state of 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 ends, 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. **"COVID-19 Public Health Emergency" means** Mayor's declarations of emergencies under MO 2020-045 and MO 2020-046 and any extensions thereof.
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: ohr.dc.gov/page/OHRGuidance.

(Continued on next page)

FREQUENTLY ASKED QUESTIONS

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

EMPLOYER POSTING REQUIREMENTS

ALL employers, regardless of size, must post and maintain this 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.

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.