

NEW COVID-19 Leave



- 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

1. 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:
 - a. 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
 - b. 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
 - c. 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
 - d. 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.
2. **Certification** – An employer may request reasonable certification of the need, such as:
 - a. Dated test result
 - b. Health care provider signed and dated statement
 - c. Copy of Department of Health guidance and documentation demonstrating need to comply
 - d. Copy of childcare facility policy or written statement from the facility.
3. **Advance Notice** – An employee must provide advance notice where possible, or otherwise as soon as possible after a need to take leave arises.
4. **Unpaid Leave** – New COVID-19 Leave is unpaid, but an employee may use accrued paid leave, which counts against the 16-week entitlement.
5. **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.
6. **Effective Dates** – New COVID-19 Leave is available starting November 5, 2021.

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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.