

e-Alert

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D.C. Expands Paid Family Leave and Local FMLA Laws

Background

In 2020, the District of Columbia extended their paid and unpaid leave benefits to workers. There are two leaves available in the District, the [DC Family and Medical Leave Act \(DCFMLA\)](#) and the [DC Paid Family Leave \(DCPFL\)](#). Both leaves stem from the [Universal Paid Leave Amendment Act of 2016](#), enacted to provide covered employees with certain amounts of paid leaves throughout the year.

Summary

The District of Columbia has released their FY2022 budget, which dictated amendments to both the DCFMLA and DCPFL which expands employee's benefits.

DCFMLA – Employers with 20 or more employees in the District of Columbia. Amendments include:

- **Employee Eligibility**
 - Until now, eligible workers had to be employed by the same employer for one year without a break in service. Employees are now eligible for leave under the DCFMLA if they work a minimum of 1,000 hours for their current

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employer in a 12-month timespan. The 12-month timespan does not need to be served consecutively.

- Employers should include holiday, vacation, personal, and/or sick time in the calculation when determining if the employee is eligible. The lookback period for the calculation should be seven years from the start date of the requested leave.

DCPFML – Employers with at least one employee working in the District of Columbia are subject to the paid family leave program. Amendments include:

- **Qualifying Reasons**

- Claims filed between October 1, 2021, and October 1, 2022, may be eligible for additional types of leave:
 - **Six weeks** of medical leave (increased from two) to care for the worker's own serious health condition.
 - **Two weeks of prenatal leave** (a new benefit category) **to cover appointments and conditions associated with pregnancy.**
- Employees may take leave within a 52-workweek period for any of the approved qualifying reasons listed under the act. Claims filed under DCPFL and DCFMLA will run concurrently if the leave is for the same qualifying reason.

- **Weekly Benefit Amount**

- For leaves approved on or after September 26, 2021, the weekly benefit has increased from \$1,000 to \$1,009.
- The one-week waiting period has been waived for claims filed after October 1, 2021. This waiver will continue for up to one year after the public health emergency has ended.

- **Poster Notifications**

- The Office of Paid Family Leave is requiring that a new notice be distributed with this amended information. Once this notice is [published](#), employers must provide the poster notification to their employees by February 1, 2022.

Employer Next Steps

- All eligible employers should review their current policies and make sure they comply with the DCFMLA and DCPFL amendments.
- Employers are required to provide employees with the updated DCPFL Notice once the Office of Paid Family Leave releases the amended poster notification.
- If you are a Full-Service or Virtual HR client and would like our assistance with updating your policy, please [email us](#).

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