

# PUBLICATION

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## **Coronavirus: D.C. Council Passes Emergency Legislation to Amend the D.C. Unemployment Compensation Act and D.C. Family and Medical Leave Act in Response to COVID-19 Pandemic**

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**On March 17, 2020, the Council of the District of Columbia (the Council) unanimously passed the COVID-19 Response Emergency Amendment Act of 2020 (the Act) to expand existing protections for workers and businesses in the District that have been affected by the coronavirus pandemic. This emergency legislation was signed into law by Mayor Muriel Bowser on March 17, 2020 and will remain in effect until June 15, 2020. The Act will require a second vote by the Council to ensure that it remains in effect for an additional 270 days.**

As written, the Act extends unemployment protections to employees working in the District who have been impacted by the coronavirus. The Act also amends the District of Columbia's Family and Medical Leave Act to establish Declaration of Emergency leave for affected employees. D.C. CODE § 32-501 *et seq.*

### **Waiver of Waiting Period for Unemployment Insurance**

The Act provides that all eligible employees are entitled to unemployment benefits upon application. Pursuant to the existing District of Columbia Unemployment Compensation Act, eligible employees are subject to a one-week waiting period before receiving Unemployment Insurance payments. D.C. CODE § 51-101 *et seq.*

The Act waives the one-week waiting period and permits affected employees to receive benefits once the employee's application is submitted to the Department of Employment Services. Additionally, the Act waives the requirement for an employee to demonstrate that they are actively searching for work to receive benefits. The Act defines the term "affected employee" to include an employee who is otherwise eligible for Unemployment Insurance pursuant to the D.C. Unemployment Compensation Act and is:

- determined by the Mayor to have become unemployed or partially unemployed as a result of the circumstances giving rise to the public health emergency;
- an employee who has been quarantined or isolated by the Department of Health or any other applicable District or federal agency;
- an employee who has self-quarantined or self-isolated in a manner consistent with the recommendations or guidance of the Department of Health, any other applicable District or federal agency, or a medical professional; or
- an employee of an employer that ceased or reduced operations due to an order or guidance from the Mayor or the Department of Health or a reduction in business revenue resulting from the circumstances giving rise to the public health emergency.

### **Declaration of Emergency Leave Under the DCFMLA**

In addition to its impact on unemployment insurance procedure in the District, the Act also broadens the scope of the D.C. Family and Medical Leave Act (DCFMLA), by establishing Declaration of Emergency leave (DOE leave). Employees working in D.C. who are unable to work due to the circumstances giving rise to the COVID-19 Public Health Emergency are eligible for DOE leave.

A recommendation from the Mayor, a medical professional, the Department of Health, or any other District or federal agency may serve as certification for an employee's need for DOE leave. In the event of a government-mandated self-quarantine or isolation, the declaration of a Public Health Emergency shall serve as certification for an employee's need for leave.

This Act also waives the prerequisites to eligibility under the existing DCFMLA for an employee eligible for DOE leave. There is no employee threshold for DOE leave, therefore employees are eligible regardless of how many persons a business employs in the District. Moreover, if an employee has been required to quarantine or self-isolate by a medical professional, the Department of Health, or any District or federal agency, the Act waives the one-year employment requirement and the 1,000-hour work requirement under the existing DCFMLA.

The Council has indicated that these COVID-19 response measures are the first of many that the Council will enact to soften the blow to workers and businesses in D.C. that have been affected by this public health emergency.

For more information about how this new legislation may affect your business, please contact the authors of this alert, [Jennifer Curry](#) and [Reba Letsa](#), or any member of Baker Donelson's [Labor & Employment Group](#). Also, please visit the [Coronavirus \(COVID-19\): What you Need to Know information page](#) on our website for additional information.