

**DC Paid Family Leave:  
Employers Must Provide Notice by February 1;  
Final Regulations Take Effect March 26**

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By February 1, 2020, District of Columbia (“DC”) employers must start providing employees with notice of the DC Paid Family Leave (“DC PFL”) law, [D.C. Code § 32-541.01, et seq.](#) The [DC PFL Notice to Employees](#) (“PFL Notice”) contains information about the paid leave benefits that will be available to covered employees beginning July 1, 2020. By February 1, 2020, DC employers must post the PFL Notice at each worksite in a conspicuous place or places where notices are posted customarily. Employers also are required to send the PFL Notice to remote (teleworking) covered employees to post at their individual worksites. In addition, employers are required to inform employees about their eligibility for DC PFL at three times:

1. At the time of hire (if hired on or after January 1, 2020);
2. At least once a year, beginning in 2020; and
3. When (starting July 1, 2020) employees ask for leave that could qualify for benefits under the DC PFL law.

As we described in prior *Act Now Advisories* (see [“The District of Columbia Passes the Nation’s Most Expansive Paid Family and Medical Leave Law”](#) and [“New D.C. Office of Paid Family Leave Launches Website”](#)), on July 1, 2020, DC employees will begin to be eligible to receive benefits under the DC PFL law, which allows covered employees to receive paid time off from work for qualifying parental, family, and medical events. Any employer that directly or indirectly employs or exercises control over the terms and conditions of employees working in DC and that is required to pay unemployment insurance on behalf of its employees is covered by the DC PFL law, regardless of whether the employer has a physical location in DC.

DC PFL is funded by employers for DC employees. Since July 1, 2019, covered employers have been required to contribute an amount equal to 0.62 percent of the wages of each of their covered employees to a Universal Paid Leave Implementation Fund (“Fund”). As mentioned above, starting July 1, 2020, eligible individuals may file claims for paid leave benefits for qualifying leave events, with corresponding benefits paid out of the Fund.

In addition, [final regulations](#) for applying and receiving paid leave benefits currently pending before the DC Council are presently set to take effect March 26, 2020. Of particular interest to employers, Section 3513 of these regulations provides the following:

- DC PFL runs concurrently with federal Family and Medical Leave Act (“FMLA”) and/or DC FMLA protected leave.
- The DC PFL law provides no additional job protection beyond that in the DC FMLA.
- An eligible individual receiving unemployment compensation may not also receive DC PFL benefits.
- An individual receiving long-term disability payments is not eligible for DC PFL benefits.
- An eligible individual’s right to employer-provided paid leave benefits at the same time as receiving DC PFL benefits will be determined by the employer’s policies, and employers may amend their existing policies regarding their own private employee benefits.

### **What Employers Should Do Now**

- Post the PFL Notice by February 1, 2020, and begin providing copies to all new employees (and, starting July 1, 2020, to employees who ask for possibly qualifying leave).
- Begin reviewing leave policies and short-term disability benefits for changes to coordinate with DC PFL benefits, effective July 1, 2020.
- Consider whether your own paid leave should “top off” DC PFL, although this can only be required if the leave is not concurrent with DC FMLA leave.

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