

Paid Leave in the District of Columbia (DC)

The District of Columbia's Universal Paid Leave Amendment Act of 2016 provides benefits to employees during qualifying leave. Highlights of the law are presented below.

Covered Employers

- Under the law, "covered employer" generally means:
 - Any individual, partnership, general contractor, subcontractor, association, corporation, business trust, or any group of persons who directly or indirectly or through an agent or any other person (including through the services of a temporary services or staffing agency or similar entity) employs or exercises control over the wages, hours, or working conditions of an employee and is required to pay **unemployment insurance** on behalf of its employees by the District of Columbia Unemployment Compensation Act; or
 - A **self-employed individual** who has opted into the paid-leave program established under the law.
- Eligible workers are those who spend a majority of their work time working in the District.

Contributions and Payments

A covered employer generally must contribute an amount equal to **0.62%** of the wages of each of its [covered employees](#) to the Universal Paid Leave Implementation Fund. Effective July 1, 2022, this contribution rate is reduced to **0.26%**, based on the district's assessment of projected revenues for the Universal Paid Leave Fund. Employers submit contributions and quarterly wage reports through a Department of Employee Services [online portal](#). Penalties apply for late payments.

Qualifying Leave and Duration of Benefits

- Upon the occurrence of a **qualifying family leave event**, **qualifying medical leave event**, **qualifying parental leave event** or (as of Oct. 1, 2021) **qualifying prenatal leave event**, an [eligible individual](#) may file a claim for benefits to be paid under the law.
- [Amendments](#) passed in 2021 expanded the duration of benefits and added a new category of leave. These changes apply to claims filed from Oct. 1, 2021, through Sept. 30, 2022. The District may thereafter adjust leave amounts depending on the size of the Universal Paid Leave Implementation Fund. The amendments provide that leave could be expanded in future years to as much as 12 weeks each for medical, parental and family leave, or it could be reduced to the amounts allowed before October 2021. It will not be reduced below pre-October 2021 amounts, however.
- For claims filed from Oct. 1, 2021, through Sept. 30, 2022, the following leave amounts apply (see Update, below):
 - "**Qualifying family leave**" means paid leave for up to **eight workweeks** (increased from six before the amendments) within a 52-workweek period. An eligible individual may take this leave to provide care or companionship to a family member because of the occurrence of a **qualifying family leave event** (i.e., the diagnosis or occurrence of a **serious health condition** of a family member).
 - "**Qualifying medical leave**" means paid leave for up to **six workweeks** (increased from two before the amendments) within a 52-workweek period. An eligible individual may take this leave following the occurrence of a **qualifying medical leave event** (i.e., the diagnosis or occurrence of their own **serious health condition**).
 - "**Qualifying parental leave**" means paid leave for up to a maximum of **eight workweeks** within a 52-workweek period (unchanged by the amendments) that an eligible individual may take within **one year** of the occurrence of a **qualifying parental leave event** (i.e., an event—including bonding—associated with certain things such as the **birth of a child** of an eligible individual).

- "**Qualifying prenatal leave**" means paid leave for up to **two weeks** within a 52-workweek period that an eligible individual who is pregnant may take for prenatal medical care following the diagnosis of pregnancy by a health care provider and prior to a qualifying parental leave event. (This is a **new category** of leave created by the amendments.) Prenatal medical care includes routine and specialty appointments, exams and treatments associated with a pregnancy and provided by a health care provider. It includes prenatal check-ups, ultrasounds, treatment for pregnancy complications, bedrest that is required or prescribed by a health care provider, and prenatal physical therapy.

UPDATE: On March 1, 2022, the District announced that pursuant to an assessment of the Universal Paid Leave Fund's projected revenues and expenditures, effective July 1, 2022, leave amounts would be increased to **12 weeks for qualifying parental, medical and family leave, and two weeks for prenatal leave.**

After the occurrence of a qualifying family leave event, qualifying medical leave event, or qualifying parental leave event, an eligible individual generally **must wait one week** during and for which **no benefits** are payable before being entitled to receive payment of his or her paid-leave benefits. **Note:** This waiting period is **suspended** for claims filed after Oct. 1, 2021 and before the 365th day after the end of the public health emergency.

Intermittent Leave

An eligible individual may receive payment for **intermittent leave**—provided, that the duration of paid-leave benefits an individual receives in a 52-week period shall not exceed the total maximum duration of paid-leave benefits or the maximum duration of any type of paid-leave benefits available in the fiscal year during which the individual files a claim to receive paid-leave benefits.

Amount of Benefits

- An eligible individual who earns an average weekly wage that is **equal to or less than 150%** of the District's [minimum wage](#) multiplied by **40** is entitled to weekly paid-leave benefits that equal **90%** of that eligible individual's average weekly wage.
- An eligible individual who earns an average weekly wage that is **greater than 150%** of the District's minimum wage multiplied by **40** is entitled to payment of weekly paid-leave benefits that equal:
 - **90%** of **150%** of the District's minimum wage multiplied by **40**; plus
 - **50%** of the amount by which the eligible individual's average weekly wage exceeds **150%** of the District's minimum wage multiplied by **40**; provided, that no eligible individual will be entitled to payment of paid-leave benefits at a rate in excess of the maximum weekly benefit amount.
- **Before October 1, 2021**, the maximum weekly benefit amount was **\$1,000**. **On October 1, 2021**, the maximum weekly benefit amount was raised to **\$1,009** (applying to all claims with approved leave dates beginning on or after Sept. 26, 2021). On October 1 of each year, the maximum weekly benefit amount provided in the law generally will increase for inflation.

Employer Notice, Posting, and Recordkeeping Requirements

- Each covered employer must, **at the time of hiring and annually thereafter, and at the time the covered employer is aware that the leave is needed**, provide a [notice](#) to each covered employee.
- Each covered employer must **post and maintain the notice** in a conspicuous place in English and in [all languages](#) in which the mayor has published the notice. Penalties apply for employers' failure to comply with notice requirements.
- An employer must **develop and maintain records** regarding the employer's activities related to the law, including employees' names and social security numbers, pay periods, wages, dates of leave taken, employer and employee notices of leave, and documents describing employer leave policies. Records must be kept confidential and retained for three years.

Employee Notice Requirements

- To the extent practicable, an eligible individual must provide **written notice** to his or her employer of the need for the use of paid-leave benefits provided in the law before taking leave.
- If the paid leave is **foreseeable**, the written notice must be provided at least **10 days**, or as early as possible, in advance of the paid leave.
- If the paid leave is **unforeseeable**, a notification (either oral or written) must be provided **before the start of the work shift** for which the paid leave is being used.
- In the case of an **emergency**, the eligible individual—or another individual on his or her behalf—must notify the eligible individual's employer (either orally or in writing) within **48 hours** of the emergency occurring.

Job Protection and Interaction with Other Laws

- The law does not provide job protection. However, the employee's qualifying reason for leave may fall under federal or D.C. FMLA, which do offer job protection.
- If paid leave taken under the law also qualifies as protected leave under the federal [Family and Medical Leave Act](#) or [D.C. FMLA](#), the paid leave taken under the law runs **concurrently with**, and not in addition to, leave taken under those other laws.
- An eligible individual receiving benefits under the District of Columbia Unemployment Compensation Amendment Act is not eligible to receive the benefits provided for in the leave law.
- If an eligible individual is receiving **long-term disability payments**, he or she is not eligible to receive the benefits provided for in the leave law.

Additional Information

- [Universal Paid Leave Amendment Act of 2016](#)
- [D.C. Paid Family Leave website](#)

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