

D.C. Council Passes Emergency Relief COVID-19 Bill Expanding Unemployment Benefits, Paid Sick Leave

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The D.C. Council has unanimously passed the [COVID-19 Response Supplemental Emergency Amendment Act of 2020](#), a bill designed to provide further emergency relief to D.C. workers affected by the COVID-19 pandemic.

Building on the [COVID-19 Response Emergency Temporary Amendment Act of 2020](#) (see our article, [D.C. Closes Non-Essential Businesses, Expands Leave in Response to COVID-19: What Employers Need to Know](#)), passed in March, the D.C. Council expanded the provision of unemployment benefits and provided new paid sick leave. The measure was signed into law by the D.C. Mayor on April 10, 2020. This supplemental relief bill will apply retroactively to March 11, 2020, and it appears that it will remain in effect until no later than July 9, 2020.

The changes to both types of benefits largely track the provision of expanded unemployment under the Coronavirus Aid, Relief, and Economic Security Act ([CARES Act](#)), and the emergency paid sick leave provisions of the Families First Coronavirus Response Act ([FFCRA](#)).

The paid sick leave provided under the new relief bill appears to be in addition to the leave required under the FFCRA, and in addition to the sick leave already required under the D.C. Accrued and Safe Leave Act (DCASLA).

Key provisions of the supplemental relief bill include:

- Expanding the definition of “employment” for the purposes of collecting unemployment insurance to include the self-employed, gig workers, those seeking part-time work, and others “who otherwise would not qualify.”
- Federal Pandemic Unemployment Compensation (FPUC) benefits under the CARES Act paid to an individual filing during a period of national emergency will not be charged to the experience rating of the eligible claimant’s base period employer’s accounts. Employers electing to become liable for payments in lieu of contributions will be charged 50 percent of reimbursement due as a result of FPUC benefits paid to an individual filing during a period of national emergency.
- The emergency paid sick leave applies to employers with 50-499 employees and does not cover healthcare providers. An employee who has been employed for 15 days may request the leave (there are changes to notifications and certifications required for the leave). An employer may require that an employee exhaust any available leave under federal or District law, or its own policies, prior to use of emergency paid sick leave. An employer must provide paid leave sufficient to cover up to two full weeks of work (up to 80 hours), but, if an employee requests emergency sick leave beyond that, the employer may inform the employee of any paid or unpaid leave based on federal law, District law, or the employer’s policies.

D.C. employers should review their obligations to provide paid sick leave for reasons

triggered by COVID-19 under the new law, as well as under the FFCRA, the DCASLA, and their own leave policies, to ensure full compliance. In addition, an awareness of the changes in unemployment benefits, largely aligned with those under the CARES Act, will help employers in their communications with their employees as they navigate the COVID-19 employment environment.

Jackson Lewis is committed to providing updates and assistance to help employers make the best business decisions. Please contact a Jackson Lewis attorney if you have questions or need guidance handling issues pertaining to COVID-19.

Other Jackson Lewis Resources:

- [COVID-19 Task Force](#)
- State-by state summaries, including the District of Columbia, on furlough/layoff information and issues, including benefits, unemployment, and wage and hour requirements. Please contact a Jackson Lewis attorney.

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