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DC Employers Must Provide Paid Family Leave Law Notice By February 1, 2020

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As we previously reported, on July 1, 2020, employees in D.C. will be eligible to receive benefits under the D.C. Paid Family Leave law, which provides employees with up to eight weeks of paid leave to care for a new child, six weeks of paid leave to care for a sick family member, and two weeks of paid leave for a personal illness. Although employees will not be able to receive Paid Family Leave benefits until later this year, employers with employees in D.C. must provide employees with notice of the law by ***February 1, 2020***.

The D.C. government has published a notice that provides employees with information about the Paid Family Leave law, including covered employees and events, how to apply for benefits, and benefit amounts. Employers with employees in D.C. must post this notice in "a conspicuous place" at their worksites, which, for PFL purposes, are "location[s] where business is conducted for where services or industrial operations are performed." Employers must also "send a poster to covered workers who work remotely or predominately telework so that they can hang the posters at their individual worksites."

Additionally, beginning February 1, 2020, employers must provide employees with the notice in electronic or physical form: (1) at the time of hiring; (2) at least once between February 1, 2020 and February 1, 2021 and a least once a year every following year; and (3) whenever the employer "receives direct notice" of an employee's need to take leave for an event that could qualify for benefits under the Paid Family Leave program.

Failure to comply with the law's notice requirements can result in civil penalties up to $100 for each covered employee to whom the notice was not delivered and $100 for each day an employer fails to post the notice in a conspicuous place. We will continue to track developments regarding this law and provide timely updates.

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