

District of Columbia Addendum – For DC Employees Only

To our District of Columbia employees: please note that wherever District of Columbia law provides for or offers greater protections to our employees, District of Columbia law will govern. All of the policies set forth below may not be applicable to all employees. Please contact a member of the Human Resources Department if you have any questions about any policies in this Addendum.

District of Columbia Family and Medical Leave

Eligibility. Employees are eligible for DCFMLA leave if they have worked in the District of Columbia:

- 1) Continuously for at least twelve (12) months;
- 2) For at least 1,000 hours of service during the 12-month period immediately preceding the leave; and
- 3) For an employer with at least twenty (20) employees in the District of Columbia.

Employees may qualify for leave under both the FMLA and DCFMLA.

Basic Family and Medical Leave Entitlement. The FMLA provides eligible employees up to twelve (12) workweeks of unpaid leave for certain family and medical reasons during a 12-month period. Under the DCFMLA, an eligible employee may take up to sixteen (16) workweeks of family leave (leave to care for a family member for the reasons outlined below or in the FMLA policy), plus up to sixteen (16) workweeks of medical leave (leave for an employee's own serious health condition), for a total of thirty-two (32) workweeks during any 24-month period. The 12- or 24-month period in which employees may take FMLA or DCFMLA leave is calculated as a rolling 12- or 24-month period measured backward from the date the employee uses any FMLA or DCFMLA leave. Where both laws apply, the leave provided by each will run concurrently.

In addition to the entitlements outlined in the FMLA policy, DCFMLA leave may also be taken for any one, or for a combination, of the following reasons:

- 1) The placement of a child for whom the employee permanently assumes and discharges parental responsibility; or
- 2) To care for a person to whom the employee is related by blood, legal custody, or marriage; child who resides with the employee and for whom the employee permanently assume and discharge parental responsibility; or person with whom the employee shares or has shared within last year a mutual residence and maintain a committed relationship, when that person has a "serious health condition."

Unlike the FMLA, the DCFMLA does not cover leave for certain qualifying exigencies.

District of Columbia Universal Paid Leave

Eligible employees may qualify for paid leave benefits under the DC Universal Paid Leave Act (UPLA).

Eligibility. To be eligible for UPLA leave benefits, an individual must be employed by the Company at the time when he or she applies for UPLA benefits. Additionally, the employee either (a) must spend more than 50% of his or her working time in the District of Columbia, or (b) must be based in the District, regularly spend a substantial amount of his or her work time in the District, and not spend more than 50% of his or her work time in another jurisdiction. UPLA benefits will not be paid to any person who is receiving unemployment benefits or long-term disability payments.

Types and Amounts of Leave. Eligible employees may apply for UPLA leave benefits for any of the following three qualifying reasons:

1. *Parental leave.* Eligible employees may qualify for up to 12 weeks of paid parental leave within a 52-workweek period for events associated with the birth of a child, the placement of a child for adoption or foster care, or the placement of a child for whom the employee legally assumes and discharges parental responsibility.
2. *Family leave.* Eligible employees may qualify for up to 12 weeks of paid family leave within a 52-workweek period to care for a family member with a serious health condition.
3. *Medical leave.* Eligible employees may qualify for up to 12 weeks of paid leave within a 52-workweek period to care for his or her own serious health condition.
4. *Prenatal Leave.* Eligible employees may qualify for up to 2 weeks of paid leave while pregnant within a 52-workweek period.

Employees may only receive UPLA leave benefits for a maximum of 12 weeks per year (+2 weeks prenatal leave), regardless of the type of leave taken. UPLA leave may be taken on a continuous or intermittent basis.

To the fullest extent permitted by law, UPLA leave shall run concurrently with leave taken under the federal Family Medical Leave Act, the DC Family Medical Leave Act, and the DC Accrued Sick and Safe Leave Act.

Notice to Employer. If an employee's need for UPLA leave is foreseeable, he or she must provide written notice to the Company at least 10 days before taking leave. The written notice must include the qualifying reason for the absence (within the parameters of the Health Insurance Portability and Accountability Act of 1996 (HIPAA)) and the expected duration of the paid leave.

If an employee's need for UPLA leave is unforeseeable, he or she must notify the Company orally or in writing before the start of the work shift for which the paid leave is being used. In the case of an emergency that prevents an eligible employee from giving notice to the Company before the start of the work shift for which the employee intends to take leave, the employee (or individual

acting on behalf of the employee) must notify the Company orally or in writing within 48 hours of the emergency occurring.

Applying for Leave. The DC Department of Employment Services, Office of Paid Family Leave (OPFL) is solely responsible for administering the paid leave benefits available under the UPLA. To apply, eligible employees may go online at <https://dcpaidfamilyleave.dc.gov/how-to-apply-for-benefits/> and submit an application with the OPFL following the occurrence of a qualifying event. The OPFL determines whether an eligible employee qualifies for parental leave, family leave, or medical leave. In addition, OPFL determines the amount of paid leave benefits an eligible employee will receive based on a set formula, not to exceed \$1,000 per week.

Discrimination and Retaliation Prohibited. The Company will not discriminate or retaliate against any individual who exercises his or her rights under the UPLA. An individual who in good faith believes that he or she has been subjected to discrimination or retaliation in violation of the UPLA has the right to file a complaint with the DC Office of Human Rights.