

DC DEPARTMENT OF HUMAN RESOURCES**COVID Sick Leave****Quick Reference Guide for FMLA Coordinators**

The overview provided below is intended to provide guidance to FMLA Coordinators on communication that should take place with those employees who request COVID Sick Leave.

To qualify for the COVID Sick Leave benefit, an individual must:

1. Be a District government employee;
2. Be in need of leave because you are unable to work or telework due to COVID-19; and
3. Submit a Family and Medical Leave application to your agency FMLA Coordinator.

Qualifying reasons for requesting COVID Sick Leave:

1. **Quarantines or isolates** pursuant to a District, federal, or state order relating to COVID-19;
2. **Quarantines** pursuant to advisement from a health care provider relating to COVID-19;
3. **Is seeking a medical diagnosis** relating to symptoms consistent with COVID-19;
4. **Is caring for an individual** who is subject to a District, federal, or state quarantine or isolation order or advised to self-quarantine by a health care provider, relating to COVID-19;
5. **Is caring for a child** under the age of 18 years (or an adult child who is 18 years of age or older and who (1) has a mental or physical disability, and (2) is incapable of self-care because of that disability) because his or her child's school or childcare provider is unavailable due to the COVID-19 emergency;
6. **Is experiencing substantially similar circumstances** as established by the Secretary of the United States Department of Health and Human Services.

What to do when an employee inquiries about or requests COVID Sick Leave?

1. Set-up dedicated time to speak with the employee.
2. Find out more about their challenges and need for the leave
3. Determine what support the agency can provide.
4. If employee is capable of teleworking, but needs an accommodation, discuss other viable options, as COVID Sick Leave may not be the best option.
5. Look into other flexibilities that might exist. For example, if the leave request is due to the employee's need to care for child(ren) whose school or daycare is closed due to the COVID-19 emergency, discuss available options such as emergency child care, a flexible work schedule, telework opportunities, or intermittent leave with the employee.

Can my agency deny this leave for any reason other than non-eligibility?

Yes. Under the Families First Coronavirus Response Act, which mandates this leave, state and local governments may enact more specific policies that ensure they can balance providing this leave to employees with the need to maintain operations essential to their COVID-19 response.

Hybrid/Remote learning and COVID Sick Leave

Employees are eligible for COVID Sick Leave when their children are not permitted to attend school in person and must engage in remote learning. The employee must require the leave to actually care for the child during that time, and another suitable person must not be available to care for the child. Employees are only allowed to use COVID Sick Leave to care for their child

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during dates of remote learning when the school facility is in fact closed. Employees are prohibited from using COVID Sick Leave where their child's school offers in-person learning, but the employee has opted out, and chosen remote learning instead.

Health care providers and Emergency responders

The District has opted to make this leave accessible to all employees. However, the following categories of employees may be denied leave for legitimate operational reasons. Be sure to consult with the relevant agency leadership on the agency-specific policies that may require denial of this leave.

1. "Health care providers" include the following:

- (a) Employees who are a licensed doctor of medicine, nurse practitioner, or other [health care provider permitted to issue a Family and Medical Leave Act \(FMLA\) certification](#);
- (b) Employees who are capable of providing health care services, meaning they are employed to provide diagnostic services, preventive services, treatment services, or other services that are integrated with and necessary to the provision of patient care and, if not provided, would adversely impact patient care. Examples include nurses, nurse assistants, and medical technicians or any other employee who provides direct services described in this paragraph;
- (c) Employees who provide healthcare services in (b) who directly assist or are supervised by employees in (a) and (b).
- (d) Employees who are otherwise integrated into and necessary to the provision of health care services, such as laboratory technicians who process test results necessary to diagnoses and treatment.

Examples of health care provider services include:

Diagnostic Services	Taking or processing samples, performing or assisting with x-rays or other diagnostic tests or procedures, and interpreting test or procedure results.
Preventive Services	Screenings, check-ups, and counseling to prevent illnesses, disease, or other health problems.
Treatment Services	Performing surgery or other invasive or physical interventions, prescribing or administering prescribed medication, physical therapy, and providing or assisting in breathing treatments.
Services integrated with and necessary to diagnostic, preventive, or treatment services and, if not provided, would adversely impact patient care	Bathing, dressing, hand feeding, taking vital signs, setting up medical equipment for procedures, and transporting patients and samples.

2. "Emergency responders," including employees:

- a) Who are necessary for the transport, care, health care, comfort, and nutrition of patients, or whose services are otherwise needed to limit the spread of COVID-19. These employees include, but are not limited to, the D.C. National Guard, Department of Corrections, Department of General Services, Department of Public Works, Department of Youth Rehabilitation Services, Fire and Emergency Medical Services Department, Homeland Security and Emergency Management Agency, Metropolitan Police Department, and Office of Unified Communications
- b) With skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as employees who work at such facilities and whose work is necessary to maintain the operation of the facility; and
- c) An agency head determines are emergency responders that are necessary for the District's response to COVID-19.

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Who do I contact with questions about COVID Sick Leave or Family and Medical Leave?

For additional information concerning the COVID sick leave benefit, employees are encouraged to contact their agency FMLA Coordinator, or the Department of Human Resources' Employee Relations Unit, by calling (202) 442-9700 or by sending an e-mail to dchr.EmployeeRelations@dc.gov.