


Council of the District of Columbia
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT
MEMORANDUM

1350 Pennsylvania Avenue, NW, Washington, D.C. 20004

TO: Chairman Phil Mendelson
FROM: Elissa Silverman, Chair 
RE: Request to Agendize Measures for the October 5, 2021, Legislative Meeting
DATE: September 30, 2021

I am writing to request that the following emergency measures be agendized for the regular Legislative Meeting on October 5, 2021.

Emergency Measures

- “COVID Vaccination Leave Emergency Declaration Resolution of 2021”
- “COVID Vaccination Leave Emergency Amendment Act of 2021”
- “COVID Vaccination Leave Temporary Amendment Act of 2021”

This legislation removes one of the biggest obstacles workers say prevents them from getting the COVID-19 vaccine, by ensuring paid time off for both vaccination, and if necessary, recovery from any side effects. Surveys of people who have not yet received the COVID vaccine show that some workers cite loss of income and impact on employment as a reason why they and their family members have not been vaccinated. Therefore, this emergency action incentivizes vaccination for workers and their families and ensures economic security and job protection for employees affected by COVID. As many businesses continue or reopen operations, the Council needs to meet the needs of workers to make rational decisions about their health and economic security, the needs of employers to have a fully operational and safe workplace, and the need for District government to use every strategy to combat COVID-19 to resume safe and robust operations of services, including public schools and government agencies.

The Council has taken numerous actions since March 2020 to provide protections to workers affected by COVID, including paid and unpaid time off from work. These provisions are set to expire on November 5. This legislation will establish a new program for paid vaccination and recovery leave and extend existing unpaid leave for COVID-related reasons.

First, the legislation is designed to incentivize and to remove a major barrier to workers and their family members getting the COVID-19 vaccine. A priority of the Council, and District government as a whole, is to ensure as many people as possible, including children, are fully vaccinated against the COVID-19 virus. However, for many workers, especially low-income workers, who are often essential workers, taking time off of work to get the vaccine shot would result in loss of pay they cannot afford. Many workers are also worried about missing time from

work due to the side effects of the vaccine, as shown in a Kaiser Family Foundation poll reported by the Washington Post.¹

To remove this barrier and incentivize all workers to vaccinate themselves and their families, this legislation would amend the District's sick time law to provide workers with paid time off to receive their vaccinations, including boosters approved by the CDC. The legislation would also allow workers time off to take their children to receive the COVID-19 vaccination. It would provide up to 4 hours of leave per injection for the vaccine and up to 16 hours for recovery, with a total cap of 56 hours over one year. Employers may require documentation of the date and time of the vaccination injections.

Second, the bill will provide job protection to workers impacted by COVID to make sure they can return to their jobs and do not become unemployed. Many workers have been impacted by COVID in a variety of ways, from getting sick, to caregiving, to being exposed and having to quarantine, to having to supervise children who can't go to school.

This legislation would continue the existing unpaid leave created in March 2020 under the Family and Medical Leave Act (FMLA) that provides leave for COVID-related purposes. The legislation would continue the leave beyond November 5 by providing up to 16 weeks of unpaid leave over the next two years. The unpaid FMLA leave could be used if a worker tests positive for COVID, must quarantine or isolate, is caregiving for a family member or household member who is sick or must quarantine, if a school or child care provider is unavailable, if an employee is suffering from long-term impacts of COVID, and parents supervising children who are virtual learning due to high risk of serious illness from COVID as verified by a doctor. Employers may require documentation of these needs.

The leave would count towards employee's regular FMLA leave time (that is, employees will not be able to receive up to 16 weeks of "regular" FMLA in addition to 16 weeks of COVID FMLA). This will ensure that workers affected by COVID can use their FMLA leave when they need it.

Copies of the emergency measures are attached. If you have any questions regarding these measures, please contact Liz Weiss at lweiss@dccouncil.us. Thank you for your consideration of this request.

cc: Members, Council of the District of Columbia
Office of the Secretary
Office of the General Counsel
Office of the Budget Director

¹ Alyssa Fowers, "Concerns about missing work may be a barrier to coronavirus vaccination," The Washington Post, May 27, 2021. [Link](#).