

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the Accrued Sick and Safe Leave Act of 2008 to provide leave for COVID vaccinations and recovery; the District of Columbia Family and Medical Leave Act of 1990 to extend and update existing unpaid leave available for COVID-related purposes; and the Coronavirus Support Temporary Amendment Act of 2021 to make conforming amendments.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “COVID Vaccination Leave Emergency Declaration Resolution of 2021”.

Sec. 2. (a) The coronavirus pandemic, which began in early 2020, continues to have significant impacts on the public health as well as the economy and workplace. Vaccinations have greatly reduced the risk for many working people, but the highly transmissible Delta variant has re-introduced risks, including to vaccinated individuals and their families. Many workers continue to work remotely, but many others, particularly many essential workers, cannot work remotely due to the nature of their work.

(b) The Council has taken numerous actions over the course of the pandemic, and given the continuing health risks of the coronavirus at home and work, the Council must continue to ensure that workers have the supports they need due to the ongoing emergency.

36 (1) On April 6, 2021, the Council passed on second reading, and on May 3, 2021,  
37 the Mayor signed B24-140, the Coronavirus Support Temporary Amendment Act of 2021”  
38 which extended provisions of law initially implemented at the onset of the coronavirus pandemic  
39 for the purpose of providing paid public health emergency leave under the District’s Accrued  
40 Sick and Safe Leave Act and unpaid COVID-19 leave under the District’s Family and Medical  
41 Leave Act (“DCFMLA”), during the public health emergency as declared by the Mayor. These  
42 provisions are set to expire on November 5, 2021.

43 (c) It is necessary to continue to provide employees paid and unpaid leave options that  
44 reflect the evolving nature of the pandemic. In particular, the Council’s goals are to ensure as  
45 many people as possible, including children, are fully vaccinated. The Council also wants to  
46 ensure that workers have job-protected time off as the pandemic continues, and that workers can  
47 return to their jobs as the pandemic’s impacts recede, rather than become unemployed.

48 (1) Working people need paid time off from work to receive the COVID-19  
49 vaccination, recover from any side effects of a vaccine, or to take one’s children over age 12 to  
50 receive the vaccination and provide care during their recovery. Many people will need time in  
51 the future to take their younger children to receive their vaccinations and recover, as necessary.  
52 Additionally, the Centers for Disease Control has recommended that individuals over age 65 or  
53 with immunocompromising conditions receive booster shots; it is very likely that other  
54 individuals will also need booster shots in the future.

55 (2) However, many workers are unable or reluctant to receive the vaccine because  
56 they fear that the time for the injection and its side effects could cause them to miss work and,  
57 thus, pay for that time. In June 2021, Kaiser Family Foundation (“KFF”) reported in survey  
58 findings that workers who reported that their employers provided paid time off for vaccines were

59 more likely to be vaccinated. KFF concluded this “suggest[s] that more employers encouraging  
60 vaccination and offering paid time off could lead to higher vaccination rates among U.S.  
61 workers.”

62 (3) Many workers continue to need time away from work to deal with the impacts  
63 of COVID, including recovering from COVID, caregiving for someone with COVID, exposure  
64 and quarantine, schools or childcare providers being unavailable, the long-term impacts of  
65 COVID, a need to isolate due to an immunity condition, and other reasons.

66 (c) As many businesses continue or reopen operations and workers continue working or  
67 soon will return to work, the Council must ensure that working people have the leave time they  
68 need to support their health and respond to COVID-related needs.

69 (d) Therefore, the Council finds that emergency circumstances necessitate paid leave for  
70 COVID vaccination and recovery and continued access to unpaid family and medical leave for  
71 COVID-related reasons for the foreseeable future.

72 Sec. 5. The Council of the District of Columbia determines that the circumstances  
73 enumerated in section 2 constitute emergency circumstances making it necessary that COVID  
74 Vaccination Leave Emergency Amendment Act of 2021 be adopted after a single reading.

75 Sec. 6. This resolution shall take effect immediately.