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COUNCIL OF THE DISTRICT OF COLUMBIA

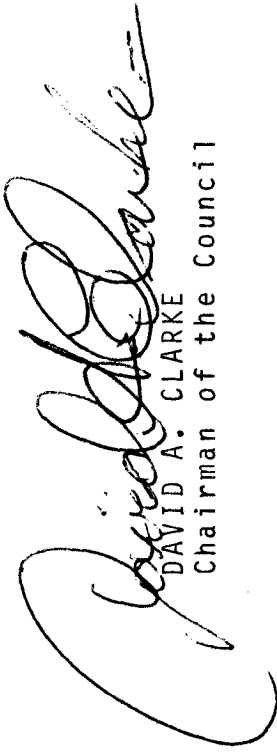
NOTICE

D.C. LAW 8-181

"District of Columbia Family and Medical Leave Act of 1990".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 8-82 on first and second readings, June 26, 1990, and July 10, 1990, respectively. Following the signature of the Mayor on July 20, 1990, this legislation was assigned Act No. 8-249, published in the August 3, 1990, edition of the D.C. Register, (Vol. 37 page 5043) and transmitted to Congress on July 23, 1990 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 8-181, effective October 3, 1990.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July 23,24,25,26,27,30,31

August 1,2,3

September 5,6,7,10,11,12,13,14,17,18,19,20,21,24,25,26,27,28

October 1,2

OCT 03 1990

Codification
District of Columbia Code
New Chapter 13 of Title 36
(1991 Supplement)

AN ACT

D.C. ACT 8 - 249

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUL 20 1990

To entitle an employee to family leave in certain cases involving a birth, adoption, or serious health condition and to medical leave in certain cases involving a serious health condition; and to provide adequate protection of an employee's employment and benefit rights.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Family and Medical Leave Act of 1990".

Sec. 2. Definitions.

New Section
36-1301

For purposes of this act, the term:

(1) "Employee" means any individual who has been employed by the same employer for 1 year without a break in service except for regular holiday, sick, or personal leave granted by the employer and has worked at least 1000 hours during the 12-month period immediately preceding the request for family or medical leave.

(2) "Employer" means any individual, firm, association, or corporation, any receiver or trustee of any individual firm, association, or corporation, or the legal representative of a deceased employer, including the District of Columbia ("District") government, who uses the services of another individual for pay in the District.

(3) "Employment benefit" means any benefit, other than salary or wages, provided or made available to an employee by an employer, including, but not limited to, group life, health, and disability insurance, sick and annual leave, and educational and pension benefits, regardless of whether the benefit is provided by a policy or practice of an employer or by an employee welfare benefit plan as defined in title 1, subtitle A, section 3(3) of the Employee Retirement Income Security Act of 1974, effective September 2, 1974 (88 Stat. 833; 29 U.S.C. 1002(1)).

(4) "Family member" means:

(A) A person to whom the employee is related by blood, legal custody, or marriage;

(B) A child who lives with an employee and for whom the employee permanently assumes and discharges parental responsibility; or

(C) A person with whom the employee shares or has shared, within the last year, a mutual residence and with whom the employee maintains a committed relationship.

(5) "Health care provider" means any person licensed under Federal, State, or District law to provide health care services.

(6) "Public safety agency" means the Metropolitan Police Department of the District of Columbia, the Fire Department of the District of Columbia, or the Department of Corrections.

(7) "Mayor" means Mayor of the District of Columbia.

(8) "Reduced leave schedule" means leave scheduled for a fewer number of hours than an employee usually works during each workweek or workday.

(9) "Serious health condition" means a physical or mental illness, injury, or impairment that involves:

(A) Inpatient care in a hospital, hospice, or residential health care facility; or

(B) Continuing treatment or supervision at home by a health care provider or other competent individual.

(10) "Local educational agency" shall have the same meaning as the term has in section 1471(12) of the Elementary and Secondary Education Act of 1965, approved April 28, 1988 (102 Stat. 201; 20 U.S.C. 2891(12)).

Sec. 3. Family Leave Requirement.

(a) An employee shall be entitled to a total of 16 workweeks of family leave during any 24 month period for:

(1) The birth of a child of the employee;

(2) The placement of a child with the employee for adoption or foster care;

(3) The placement of a child with the employee for whom the employee permanently assumes and discharges parental responsibility; or

(4) The care of a family member of the employee who has a serious health condition.

(b) The entitlement to family leave under subsection (a)(1) through (a)(3) of this section shall expire 12 months after the birth of the child or placement of the child with the employee.

(c) Subject to the requirements of subsection (h) of this section, in the case of a family member who has a

New Section
36-1302

serious health condition, the family leave may be taken intermittently when medically necessary.

(d) Upon agreement between the employer and the employee, family leave may be taken on a reduced leave schedule, during which the 16 workweeks of family leave may be taken over a period not to exceed 24 consecutive workweeks.

(e)(1) Except as provided in paragraphs (2) and (3) of this subsection, family leave may consist of unpaid leave.

(2) Any paid family, vacation, personal, or compensatory leave provided by an employer that the employee elects to use for family leave shall count against the 16 workweeks of allowable family leave provided in this act.

(3) If an employer has a program that allows an employee to use the paid leave of another employee under certain conditions, and the conditions have been met, the employee may use the paid leave as family leave and the leave shall count against the 16 workweeks of family leave provided in this act.

(4) Nothing in this section shall require an employer to provide paid family leave.

(f) If the necessity for leave under this section is foreseeable based on an expected birth or placement of a child with an employee, the employee shall provide the employer with reasonable prior notice of the expected birth or placement of a child with the employee.

(g) If the necessity for family leave under this section is foreseeable based on planned medical treatment or supervision, an employee shall:

(1) Provide the employer with reasonable prior notice of the medical treatment or supervision; and

(2) Make a reasonable effort to schedule the medical treatment or supervision, subject to the approval of the health care provider of the employee or family member, in a manner that does not disrupt unduly the operations of the employer.

(h)(1) If 2 family members are employees of the same employer:

(A) The employer may limit to 16 workweeks during a 24-month period the aggregate number of family leave workweeks to which the family members are entitled; and

(B) The employer may limit to 4 workweeks during a 24-month period the aggregate number of family leave workweeks to which the family members are entitled to take simultaneously.

(2) For the purposes of this subsection, the term "same employer" includes an office, division, subdivision, or other organizational section of an employer in which both employees have the same or interrelated duties and the

absence of both employees would disrupt unduly the conduct of the employer's business.

(i)(1) Information that an employee gives to an employer regarding a family relationship, pursuant to which the employee seeks to take family leave under section 3, shall be used only to make a decision in regard to the provisions of this act. An employer shall keep any information regarding the family relationship confidential.

(2) Any employer who willfully violates this subsection shall be assessed a civil penalty of \$1,000 for each offense.

Sec. 4. Medical leave requirement.

New Section
36-1303

(a)(1) Subject to the provisions of section 5, any employee who becomes unable to perform the functions of the employee's position because of a serious health condition shall be entitled to medical leave for as long as the employee is unable to perform the functions, except that the medical leave shall not exceed 16 workweeks during any 24-month period. The medical leave may be taken intermittently when medically necessary.

(b)(1) Except as provided in subsections (b)(2) through (b)(4) of this section, medical leave may consist of unpaid leave.

(2) Any paid medical or sick leave provided by an employer that the employee elects to use for medical leave shall count against the 16 workweeks of allowable medical leave under this act.

(3) If an employer and employee agree that an employee may use paid vacation, personal, or compensatory leave as medical leave; the paid vacation, personal, or compensatory leave shall count against the 16 workweeks of medical leave provided in this act.

(4) If an employer has a program that allows an employee to use the paid leave of another employee under certain conditions, and the conditions have been met, the employee may use the paid leave as medical leave and the leave shall count against the 16 workweeks of medical leave provided in this act.

(c) If the need for medical leave is foreseeable based on planned medical treatment or supervision, the employee shall:

(1) Provide the employer with prior reasonable notice of the medical treatment or supervision; and

(2) Make a reasonable effort to schedule the medical treatment or supervision, subject to the approval of the health care provider of the employee, in a manner that does not disrupt unduly the operations of the employer.

Sec. 5. Certification.

New Section
36-1304

(a) An employer may require that a request for family leave under section 3(a)(4) or medical leave under section 4 be supported by a certification issued by the health care provider of the employee or family member. The employee shall provide a copy of the certification to the employer.

(b) The certification provided by the employee to the employer shall state:

(1) The date on which the serious health condition commenced;

(2) The probable duration of the condition;

(3) The appropriate medical facts within the knowledge of the health care provider that would entitle the employee to take leave under this act; and

(4)(A) For purposes of medical leave under section 4, a statement that the employee is unable to perform the functions of the employee's position; or

(B) For purposes of family leave under section 3(a)(4), an estimate of the amount of time that the employee is needed to care for the family member.

(c) For the purposes of section 6(c), the employer may request that certification issued in any case involving medical leave under section 4 include an explanation of the extent to which the employee is unable to perform the functions of the employee's position.

(d)(1) If the employer has reason to doubt the validity of the certification provided under subsection (a) of this section, the employer may require that the employee obtain, at the expense of the employer, the opinion of a 2nd health care provider approved by the employer, in regard to any information required to be certified under subsection (b) of this section.

(2)(A) If the 2nd opinion provided under subsection (d) of this section differs from the original certification provided under subsection (a) of this section, the employee may obtain the opinion of a 3rd health care provider mutually agreed upon by the employer and the employee, in regard to any information required to be certified under subsection (b) of this section. The employer shall pay the cost of the opinion of the 3rd health care provider.

(B) The opinion of the 3rd health care provider in regard to the information certified under subsection (b) of this section shall be final and binding on the employer and employee.

(e) Any health care provider approved or mutually agreed upon under subsection (d)(1) or (d)(2) of this section may not be retained on a regular basis by the employer or employee or otherwise bear a close relationship to the employer or employee that would give the appearance that the certification is biased.

(f) The employer may require that the employee obtain subsequent recertifications on a reasonable basis.

(g)(1) Certification information requested under this section shall be used only to make a decision in regard to the provisions of this act. An employer shall keep any medical information obtained from a certification request confidential.

(2) Any employer who willfully violates this subsection shall be assessed a civil penalty of \$1,000 for each offense.

Sec. 6. Employment and benefits protection.

New Section
36-1305

(a) Any employee who takes family or medical leave under this act shall not lose any employment benefit or seniority accrued before the date on which the family or medical leave commenced.

(b)(1) During any period in which an employee takes family or medical leave under section 3 or 4, the employer shall maintain coverage under any group health plan, as defined in section 5000(b) of the Internal Revenue Code of 1986, approved October 21, 1986 (100 Stat. 2012; 26 U.S.C. 5000(b)), except that for the purposes of this act, the term "group health plan" shall include a group health plan provided by the District of Columbia government. The employer shall maintain coverage for the duration of the family or medical leave at the same level and under the same conditions that coverage would have been provided if the employee had continued in employment from the date the employee commenced the family or medical leave until the date the employee was restored to employment pursuant to subsection (d) of this section.

(2) An employer may require the employee to continue to make any contribution to a group health plan that the employee would have made if the employee had not taken family or medical leave. If an employee is unable or refuses to make the contribution to the group health plan, the employee shall forfeit the health plan benefit until the employee is restored to employment pursuant to subsection (d) of this section and resumes payment to the plan.

(c)(1) Nothing in this act shall prohibit an employer and an employee with a serious health condition from agreeing mutually to alternative employment for the employee throughout the duration of the serious health condition of the employee. Any period of alternative employment shall not cause a reduction in the amount of family or medical leave to which the employee is entitled under section 3 or 4.

(2) When the employee who agreed to alternative employment is able to perform the functions of the employee's original position, the employee shall be restored

to the original position pursuant to subsection (d) of this section.

(d) Except as provided in subsection (f) of this section, upon return from family or medical leave taken pursuant to section 3 or 4, the employee shall be:

(1) Restored by the employer to the position of employment held by the employee when the family or medical leave commenced; or

(2) Restored to a position of employment equivalent to the position held by the employee when the family or medical leave commenced that includes equivalent employment benefits, pay, seniority, and other terms and conditions of employment.

(e) Except as provided in subsection (b) of this section, nothing in this section shall entitle an employee restored by an employer to a position of employment to:

(1) The accrual of any seniority or employment benefit during any period of family or medical leave; or

(2) Any right, employment benefit, or position of employment other than any right, employment benefit, or position of employment to which the employee would have been entitled had the employee not taken the family or medical leave.

(f)(1) Except as provided in paragraph (2) of this subsection, an employer in the District may deny restoration of employment to a salaried employee if the employee is among the 5 highest paid employees of an employer of fewer than 50 persons or among the highest paid 10% of employees of an employer of 50 or more persons and the following conditions are met:

(A) The employer demonstrates that denial of restoration of employment is necessary to prevent substantial economic injury to the employer's operations and the injury is not directly related to the leave that the employee took pursuant to this act; and

(B) The employer notifies the employee of the intent to deny restoration of employment and the basis for the decision at the time the employer determines denial of restoration of employment is necessary.

(2) The condition in paragraph (1)(A) of this subsection shall not apply if the following conditions have been met:

(A) The employer is under a contract to provide work or services and the absence of the employee prohibits the employer from completing the contract in accordance with the terms of the contract;

(B) Failure to complete the contract will cause substantial economic injury to the employer; and

(C) After the employer made reasonable attempts, the employer failed to find a temporary replacement for the employee.

Sec. 7. School employees.

New Section
36-1306

(a) If the conditions in subsection (b) of this section are met, a local educational agency ("educational agency") or private elementary or secondary school ("school") may require an employee who is employed principally in an instructional capacity to elect to:

(1) Take the family or medical leave for periods of particular duration not to exceed the planned medical treatment or supervision; or

(2) Transfer temporarily to an available alternative position offered by the educational agency or school for which the employee is qualified, which has equivalent pay and benefits, and better accommodates the recurring periods of leave than the employee's regular employment position.

(b) The provisions of subsection (a) of this section shall apply if the employee described in subsection (a) of this section:

(1) Elects to take family leave pursuant to section 3(a)(4) or medical leave pursuant to section 4 that is foreseeable based on planned medical treatment or supervision;

(2) Would be on leave for greater than 20% of the total number of working days in the period during which leave would extend; and

(3) Complies with section 3(g) or 4(c).

(c)(1) If an employee of an educational agency or school who is employed principally in an instructional capacity begins family or medical leave more than 5 weeks before the end of the academic term, the educational agency or school may require the employee to continue to take leave until the end of the term if:

(A) The leave is at least 3 weeks in duration; and

(B) The return to employment would occur during the 3-week period before the end of the academic term.

(2) If the employee described in paragraph (1) of this subsection begins leave under section 3 or 4 during the period that commences from more than 3 weeks and up to and including 5 weeks before the end of the academic term, the educational agency or school may require the employee to continue to take leave until the end of the term if:

(A) The leave is greater than 2 weeks in duration; and

(B) The return to employment would occur during the 2-week period before the end of the academic term.

(3) If the employee described in paragraph (1) of this subsection begins leave under section 3 or 4 during the period that commences 3 weeks or less before the end of the academic term and the duration of the leave is greater than 5 working days, the educational agency or school may require the employee to continue to take leave until the end of the term.

(d) For purposes of a restoration of employment determination under section 6(d)(2), in the case of an educational agency or school, the determination shall be made on the basis of established school board or private school policies and practices and collective bargaining agreements.

Sec. 8. Prohibited acts.

New Section
36-1307

(a) It shall be unlawful for any person to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided by this act.

(b) It shall be unlawful for an employer to discharge or discriminate in any manner against any person because the person:

(1) Opposes any practice made unlawful by this act;

(2) Pursuant or related to this act:

(A) Files or attempts to file a charge;

(B) Institutes or attempts to institute a proceeding; or

(C) Facilitates the institution of a proceeding; or

(3) Gives any information or testimony in connection with an inquiry or proceeding related to this act.

Sec. 9. Investigative authority.

New Section
36-1308

(a) An employer shall develop, maintain, and make available to the Mayor records regarding the employer's activities related to this act that the Mayor may prescribe by rule.

(b) To ensure compliance with the provisions of this act, the Mayor, consistent with constitutional guidelines, may:

(1) Investigate and gather data regarding to any wage, hour, condition, or practice of employment related to this act; and

(2) Enter or inspect any place of employment or record required by this act.

(c) For the purpose of any investigation provided for in this section, the Mayor may exercise the subpoena authority provided in section 3 of the Independent Personnel Systems Implementation Act of 1980, effective September 26, 1980 (D.C. Law 3-109; D.C. Code, sec. 1-338).

Sec. 10. Administrative enforcement procedure; relief. New Section

(a) The Mayor shall provide an administrative procedure pursuant to which a person claimed to be aggrieved under this act may file a complaint against an employer alleged to have violated this act. A complaint shall be filed within 1 year of the occurrence or discovery of the alleged violation of this act. 36-1309

(b) The administrative procedure shall include, but not be limited to:

(1) An investigation of the complaint and an attempt to resolve the complaint by conference, conciliation, or persuasion;

(2) If the complaint is not resolved, a determination on the existence of probable cause to believe a violation of this act has occurred;

(3) If there is a determination that probable cause exists, the issuance and service of a written notice and a copy of the complaint to the employer alleged to have committed the violation that requires the employer to answer the charges of the complaint at a formal hearing;

(4) A hearing conducted in accordance with procedures that the Mayor shall promulgate pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.);

(5) A decision and order accompanied by findings of fact and conclusions of law;

(6) If there is a determination that an employer committed a violation of this act, the issuance of an order that requires the employer to pay the employee damages in an amount equal to:

(A) Any wages, salary, employment benefits, or other compensation denied or lost to the employee due to the violation plus interest on the amount calculated at the rate prescribed in D.C. Code, sec. 28-3302(b) or (c); and

(B) An amount equal to the greater of:

(i) The amount determined under subparagraph (A) of this paragraph; or
(ii) Consequential damages not to exceed an amount equal to 3 times the amount determined under subparagraph (A) of this paragraph plus any medical expenses not covered by the health insurance of the employee;

(C) A reduction in damages, within the discretion of the trier of fact, for an employer who violates this act and proves that the violation occurred in good faith and that the employer had reasonable grounds to believe that the employer's action or omission was not in violation of this act; and

(7) A provision that authorizes the award of costs and reasonable attorney's fees to the prevailing party in addition to other relief awarded under this act.

(c) Any person who is adversely affected or aggrieved by an order or decision issued pursuant to subsection (b) of this section is entitled to judicial review of the order or decision in accordance with section 11 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1209; D.C. Code, sec. 1-1510), upon filing a written petition for review in the District of Columbia Court of Appeals.

(d)(1) If the Mayor determines that the employer has not complied with an order after 20 days following service of the order, the Mayor shall certify the matter to the Corporation Counsel and to any other agency as may be appropriate for enforcement.

(2) The Corporation Counsel shall institute in the name of the District, a civil proceeding that may include seeking injunctive relief, as is necessary to obtain complete compliance with the order.

(3) An enforcement action shall not be instituted pending judicial review as provided in subsection (c) of this section.

(e) The entire administrative enforcement procedure outlined in subsections (a) and (b) of this section, including the formal hearing, shall take no longer than 150 days to complete from the date the complaint is filed. If the Mayor fails to make a reasonable effort to comply with the deadline requirements of the administrative enforcement provisions prescribed by this subsection and the rules promulgated by the Mayor, the person who initiated the administrative enforcement procedure against the employer may file a civil action against the employer pursuant to section 11.

Sec. 11. Enforcement by civil action.

New Section
36-1310

(a) Subject to the provisions in subsection (b) of this section, an employee or the Mayor may bring a civil action against any employer to enforce the provisions of this act in any court of competent jurisdiction.

(b) No civil action may be commenced more than 1 year after the occurrence or discovery of the alleged violation of this act.

(c) If a court determines that an employer violated any provision of this act, the damages provision prescribed in sections 10(b)(6) and (c) shall apply.

Sec. 12. Notice.

New Section
36-1311

(a) The Mayor shall devise and an employer shall post and maintain in a conspicuous place, a notice that sets forth excerpts from or summaries of the pertinent provisions of this act and information that pertains to the filing of a complaint under this act.

(b) Any employer who willfully violates this section shall be assessed a civil penalty not to exceed \$100 for each day that employer fails to post the notice.

Sec. 13. Effect on other laws.

New Section
36-1312

Nothing in this act shall supersede any provision of law that provides greater employee family or medical leave rights than the family or medical rights established under this act.

Sec. 14. Effect on existing employment benefits.

New Section
36-1313

(a) Nothing in this act shall diminish an employer's obligation to comply with any collective-bargaining agreement or any employment benefit program or plan that provides greater family or medical leave rights to an employee than the family or medical leave rights provided under this act.

(b) The rights provided to an employee under this act may not be diminished by any collective bargaining agreement or any employment benefit program or plan, except that this act shall not supersede any clause on family or medical leave in any collective bargaining agreement in force on the effective date of this act for the time that the collective bargaining agreement is in effect.

(c) The rights provided to an employee under this act may be suspended temporarily for an employee of a public safety agency if the employee is required by rules or regulations of the agency or by the provision of a collective bargaining agreement to return to duty because of an emergency declared by the agency head or the Mayor.

Sec. 15. Encouragement of more generous leave policies.

New Section
36-1314

Nothing in this act shall be construed to discourage an employer from the adoption or retention of a family and medical leave policy more generous than the family and medical leave required by this act.

Sec. 16. Family and Medical Leave Commission established.

New Section
36-1315

(a) There is established the Family and Medical Leave Commission ("Commission").

(b) The Commission shall report annually to the Mayor and the Council on the impact of this act on employers and employees and shall study and provide alternatives for wage protection under this act. To the extent feasible, the Mayor shall provide staff support from the Office of Personnel for the Commission. The annual report of the Commission shall include, but not be limited to, the following:

(1) The total number of employees who have taken leave pursuant to this act;

(2) The average annual additional cost to employers for the expense incurred to replace an employee and to pay health insurance for an employee during the time an employee takes leave pursuant to this act;

(3) The average length of leave taken pursuant to this act;

(4) A list of reasons for leave taken pursuant to this act;

(5) The salary or grade level of the employees who have taken leave pursuant to this act;

(6) The number of employees who were denied restoration of employment pursuant to this act;

(7) The number of cases appealed through the administrative process and filed in a court of competent jurisdiction; and

(8) The alternatives for wage protection under this act.

(c)(1) The Commission shall consist of:

(A) Four ex officio members who shall be the Directors of the Department of Employment Services, the Department of Consumer and Regulatory Affairs, the Department of Human Services, and the Office of Personnel; and

(B) Not more than 8 persons from the general public to serve as members who shall be appointed by the Mayor with the advice and consent of the Council within 45 days of enactment of this act.

(C) The Mayor shall appoint, with the advice and consent of the Council, 1 person from the general public to serve as chairperson of the Commission within 45 days of enactment of this act.

(2) Each member of the Commission shall serve a 5-year term.

(3) The Commission shall appoint other officers and establish rules and procedures as the Commission shall determine.

(4) A vacancy on the Commission shall be filled in the same manner as the original appointment.

(d) The members of the Commission from the general public shall include representatives from labor, business, the insurance industry, medical experts, consumer advocates, and family advocates. All members of the Commission shall be residents of the District and shall serve without compensation, but may be reimbursed for reasonable actual expenses incurred in the performance of official duties, pursuant to rules issued by the Mayor in accordance with section 1108 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 1-139; D.C. Code, sec. 1-612.8).

(e) The Commission shall continue in existence for 5 years at which time the Commission shall terminate unless the Council determines that the Commission shall continue in existence or be reestablished.

(f) If the Council does not determine that the Commission shall continue in existence or be reestablished, the Mayor shall prepare and report to the Council annually on the matters described in subsection (b) of this section.

Sec. 17. Applicability.

New Section
36-1316

The rights and responsibilities established by this act shall apply:

(1) During the 3-year period beginning 180 days from the effective date of this act, to any employer who employs 50 or more persons in the District; and

(2) After the 3-year period beginning 180 days from the effective date of this act, to any employer who employs 20 or more persons in the District.

Sec. 18. Rules.

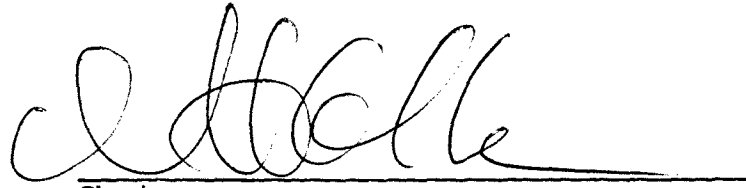
New Section
36-1317

(a) The Mayor shall, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1024; D.C. Code, sec. 1-1501 et seq.), issue rules to implement the provisions of this act within 90 days from the date of enactment of this act. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period the proposed rules shall be deemed approved.

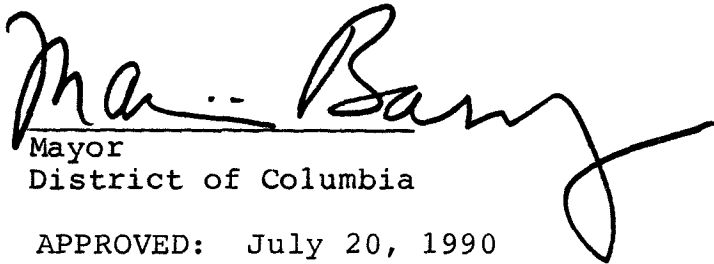
(b) The proposed rules shall include standards for:
(1) The definition of the term "family member";
(2) The reasonable notice that an employee who seeks to take family or medical leave shall give to an employer; and
(3) The administrative enforcement procedure.

Sec. 19. Effective Date.

This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of a veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: July 20, 1990



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Eight

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 8-82

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 6-26-90

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____ (_____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

[Signature]
 Secretary to the Council

7-13-90
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 7-10-90

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____ (_____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

[Signature]
 Secretary to the Council

7-13-90
 Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____ (_____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

 Secretary to the Council

 Date

DISTRICT OF COLUMBIA
OFFICE OF THE GENERAL COUNSEL
WASHINGTON, D.C. 20004

I. TRANSMITTAL OF ENROLLED RESOLUTION

Short Title: Family and Medical Leave Act Rulemaking
Approval Confirmation Resolution of 1991

Resolution #9-64

PR #9-63

Date Transmitted to LSD:

Received by LSD:

cc: Chairman Wilson

(with attachment)

Please notify me of any error/comment within 24 hours.

RECEIVED
MAY 36 P5:09
JUN 5
LEGISLATIVE COUNSEL
ND

II. CLEARANCE OF ENROLLED RESOLUTION

Charles M. Stephens
Legislative Counsel

6-5-91
Date

Shirley Jones
Office of the Secretary

6-6-91
Date

III. CLEARANCE OF CORRESPONDENCE BY LSD

Letter(s) to the Mayor

Date

Letter(s) to Congress

Date

A RESOLUTION

9-64

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 4, 1991

To approve proposed rules to implement the District of Columbia Family and Medical Leave Act of 1990.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Family and Medical Leave Act Rulemaking Approval Resolution of 1991".

Sec. 2. Pursuant to section 18(a) of the District of Columbia Family and Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Code §36-1317(a)) ("Act"), the Mayor transmitted to the Council proposed rules to implement the Act. The Council approves the proposed rules.

Sec. 3. The Secretary of the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Director of the Department of Employment Services and to the Director of the Office of Human Rights and Minority Business Development.

Sec. 4. This resolution shall take effect immediately upon the first date of publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Nine



RECORD OF OFFICIAL COUNCIL VOTE

Docket No: PR9-63 Resolution No: R9-64

Action & Date: Adopted, 6-4-91

Item on Consent Calendar

ROLL CALL VOTE: — RESULT _____ (_____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

VOICE VOTE — Result: Approved

Absent: all present

Recorded vote: _____
(on request)

CERTIFICATION OF RECORD

Shyler (me)
Secretary to the Council

June 6, 1991
Date