

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

**Memorandum**

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February 8, 2016

TO: Councilmembers and Members of the Public  
FR: Phil Mendelson, Chairman  
RE: Discussion Draft: Bill 21-415, the "Universal Paid Leave Act of 2016"

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Attached is a "discussion print" of Bill 21-415, the "Universal Paid Leave Act of 2016." This bill would establish a paid family and medical leave system within the District. The purpose of this discussion draft is to help stakeholders focus their comments on the issues at play in this important legislation. The major issues include:

- Participant pool: The discussion draft applies the program only to employees working in the private sector in the District. Federal workers in the District, District residents working outside the District, and District government employees (who have their own program) are excluded.
- Definition of family: The discussion draft narrows the definition of family to include only legal relationships.
- Qualifying event: The discussion draft narrows the scope of what incidents qualify for leave. The definition of "serious health condition" is altered, and excludes mental health issues.
- Maximum leave: The discussion draft provides that the maximum, cumulative leave is 12 weeks in a 52-week period.
- Wage replacement: The discussion draft provides 90% wage replacement for employees earning less than double the District's minimum wage. Above that, the replacement wage is 50% up to a maximum of \$1,500 weekly.
- Waiting period: the discussion draft requires use of leave provided under the Accrued Sick and Safe Leave Act first. The wage replacement rate is applied to the average weekly earnings over the preceding year that were subject to contribution under this program – the effect of which is to maximize benefits for those who have been in the program at least a year.

Over the past several months, the Committee of the Whole has held two hearings on this legislation – one on December 2, 2015 and one on January 14, 2016 – and received feedback from numerous sources. Based on these, we are releasing this draft "discussion print" ahead of the third hearing, scheduled for February 11, 2016, on the bill.

The goal of this "discussion print" is to focus discussion and to help the Committee to address conflicting concerns. This draft is unlikely to be the final draft marked up by the Committee of the Whole. While it reflects changes to the introduced version of the bill, I do not believe it as yet strikes the best balance between cost and benefits. Nor does it address all of the concerns that have been raised thus far. Further changes are likely based on the continued feedback we will receive. Comments may be submitted to [csetlow@dccouncil.us](mailto:csetlow@dccouncil.us) or delivered to the Committee of the Whole, Room 410, John A. Wilson Building (1350 Pennsylvania Avenue, NW).

2 February 8, 2016

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A BILL

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21-415

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To establish a universal medical and family paid leave system for individuals employed in the District of Columbia; and to make conforming amendments.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this

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act may be cited as the “Universal Paid Leave Act of 2016”.

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**Title I. Establishment of Paid Family and Medical Leave**

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Sec. 101. Definitions.

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For the purposes of this title, the term:

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(1) “Application period” means the 12-month period during which an individual’s benefit

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for family or medical leave begins.

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(2) “Average weekly wages” means the total wages subject to contribution under section

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105 of this title or owed by the District of Columbia during the 4 quarters out of the 5 quarters

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immediately preceding the qualifying event during which the individual’s wages were highest

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divided by 52.

34 (3) "Covered employee" means any individual who has the status of an employee and  
35 either spends more than 50% of the individual's work time for a covered employer in the District  
36 of Columbia or whose employer is a registered business holder in the District of Columbia and  
37 who does not spend more than 50% of his or her working time for the covered employer in a  
38 state other than the District of Columbia.

39 (4) "Covered employer" means any individual, partnership, general contractor,  
40 subcontractor, association, corporation, business trust, or any person or group of persons acting  
41 directly or indirectly in the interest of an employer in relation to a covered employee, but shall  
42 not include the United States, the District of Columbia, or employers the District of Columbia is  
43 not authorized to tax under federal law or treaty..

44 (5) "D.C. FMLA" means the District of Columbia Family and Medical Leave Act of  
45 1990, effective March 14, 1991 (D.C. Law 8-181; D.C. Official Code § 32-501 *et seq.*).

46 (6) "Eligible individual" means a person who is not a current employee of the District of  
47 Columbia or the federal government, who meets the administrative requirements of this title and  
48 regulations issued pursuant to this title, and:

49 (A) Who was a covered employee during some or all the 52 calendar weeks  
50 immediately preceding the qualifying event;

51 (B) A self-employed resident of the District of Columbia who, during some or all  
52 of the 52 calendar weeks immediately preceding the qualifying event, earned self-employment  
53 income and has not opted out of coverage under this title; or

54 (C) A self-employed individual who, during some or all of the 52 calendar weeks  
55 immediately preceding the qualifying event, earned self-employment income for work performed  
56 primarily in the District of Columbia and has not opted out of coverage under this title.

57 (7) “Family and medical leave benefits” means the benefits provided pursuant to this title.

58 (8) “Family member” means:

59 (A) A person to whom the eligible individual is related by legal custody, domestic  
60 partnership, or marriage; or

61 (B) A foster child.

62 (9) “Health care provider” shall have the same meaning as provided in section 2(5) of the  
63 District of Columbia Family and Medical Leave Act of 1990, effective March 14, 1991 (D.C.  
64 Law 8-181; D.C. Official Code § 32-501(5)).

65 (10) “Intermittent” means leave taken in separate periods of time due to a qualifying  
66 event, rather than for one continuous period of time; provided that leave may be used in no less  
67 than one day increments.

68 (11) “Qualifying event” means one of the following:

69 (A) The birth of a child of the eligible individual;

70 (B) The legal placement of a child with the employee (such as through adoption,  
71 guardianship, or foster care);

72 (C) The care of a family member of the eligible individual who has a serious  
73 health condition; or

74 (D) The care of oneself due to the occurrence of a serious health condition.

75 (12) “Retaliate” means to:

76 (A) Commit any form of intimidation, threat, reprisal, harassment, discrimination,  
77 or adverse employment action, including discipline, discharge, suspension, transfer or  
78 assignment to a lesser position in terms of job classification, job security, or other condition of  
79 employment;

80 (B) Reduce pay or hours or deny an individual additional hours;

81 (C) Inform another employer that the person has engaged in activities protected

82 by this title; or

83 (D) Report or threaten to report the actual or suspected citizenship or immigration

84 status of an employee, former employee, or family member of an employee or former employee,

85 to a federal, state or local agency.

86 (13) “Self-employment income” means net income earned from carrying on a trade or

87 business as a sole proprietor, an independent contractor, or as a member of a partnership.

88 (14) (A) “Serious health condition” means a physical injury, impairment, or condition

89 that involves:

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

91 or

92 (2) Continuing treatment at home by a licensed health care provider.

93 (B) “Serious health condition” includes pregnancy complications or post-partum

94 recovery period when medically ordered.

95 (15) “Wages” shall have the meaning given in section 1(3) of the District of Columbia

96 Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C. Official Code

97 § 51-101(3)), except that self-employment income shall be treated as wages if the self-employed

98 individual has not opted out of coverage under this title.

99 Sec. 102. Establishment of a family and medical leave program and eligibility for

100 benefits.

101 (a) The Mayor shall establish a paid family and medical leave program to administer the

102 family and medical paid leave benefits provided for in this title.

103 (b) The Mayor shall issue rules within 120 days of the effective date of this Act to  
104 implement this title.

105 (c) An eligible individual may submit a claim for payment of his or her accrued family or  
106 medical leave benefits for a period during which he or she does not perform his or her regular  
107 and customary work because of a qualifying event, as defined by Section 101 of this title.

108 (d) Lack of current employment shall not preclude an individual from submitting a claim  
109 for payment of his or her accrued family or medical leave benefits.

110 Sec. 103. Amount and duration of benefits.

111 (a) Upon the occurrence of a qualifying event, an eligible individual shall be entitled to  
112 receive payment of his or her accrued family or medical leave benefits; provided, that regardless  
113 of the number of qualifying events that occur, an eligible individual shall not be entitled to  
114 receive payment for more than 12 workweeks within a 52 week period.

115 (b)(1) An eligible individual who earns an average weekly wage at a rate that, on an  
116 annualized basis, is equal to or less than double the District's minimum wage shall be entitled to  
117 payment of family and medical leave benefits at a rate that shall equal 90% of that eligible  
118 individual's average weekly wage rate;

119 (2) An eligible individual who earns an average weekly wage at a rate that, on an  
120 annualized basis, is greater than double the District's minimum wage shall be entitled to payment  
121 of family and medical leave benefits at a rate that shall equal:

122 (i) 90% of double the District's minimum wage; plus

123 (ii) 50% of the amount by which the eligible individual's average weekly  
124 wage rate exceeds double the District's minimum wage; provided, that no eligible individual

125 shall be entitled to payment of family and medical leave benefits at a rate in excess of \$1,500 per  
126 week.

127 (3) Family and medical leave benefits for partial weeks of leave shall be prorated.

128 (c) Prior to accessing his or her family and medical leave benefits accrued under this  
129 title, an eligible individual shall exhaust his or her sick leave accrued under section 3 of the  
130 Accrued Sick and Safe Leave Act of 2008, effective May13, 2008 (D.C. Law 17-152; D.C.  
131 Official Code § 32-131.02) first.

132 (d) An eligible individual may receive payment for accrued family and medical leave  
133 benefits for leave taken on an intermittent basis so long as the total time of intermittent leave  
134 does not exceed 12 workweeks in a 52 week period.

135 (e) An eligible individual shall make a reasonable effort to schedule leave under this title  
136 so as not to disrupt unduly the operations of his or her employer and shall provide his or her  
137 employer with prior notice when possible.

138 (f) Leave authorized by this section shall run concurrently with, and not in addition to,  
139 leave authorized by the DC Family and Medical Leave Act, effective March 14, 1991 (D.C. Law  
140 8-181; D.C. Official Code § 32-501 *et seq.*).

141 Sec. 104. Family and medical leave account fund establishment.

142 (a) There is established as a special fund the Paid Family and Medical Leave Fund  
143 (“Fund”), which shall be administered by the Office of the Chief Financial Officer in accordance  
144 with this title.

145 (b) Revenue from the following sources shall be deposited into the Fund:

146 (1) Monies collected pursuant to section 105 of this title;

147 (2) Annual appropriations, if any;

148 (3) Interest earned upon the money in the Fund; and

149 (4) All other money received for the Fund from any other source.

150 (c) Money in the Fund shall be used only for the purposes of the paid family and medical  
151 leave program, which shall include paying for benefits, public education, and administrative  
152 costs required pursuant to this title; provided that no more than 5% of the funds deposited into  
153 the Fund may be used to pay for the administration of this title for the fiscal year.

154 (d)(1) The money deposited into the Fund, and any interest earned, shall not revert to the  
155 unrestricted fund balance of the General Fund of the District of Columbia at the end of the fiscal  
156 year, or at any other time.

157 (2) Subject to authorization in an approved budget and financial plan, any funds  
158 appropriated in the Fund shall be continually available without regard to fiscal year limitation.

159 (e) Claims under this title shall not be administered from the Fund until:

160 (1) at least one year after the effective date of this Act; and

161 (2) after the Chief Financial Officer of the District of Columbia certifies that the  
162 Fund will remain solvent for at least one year after claims have begun to be paid from the Fund.

163 (f) By December 30, 2016, the Mayor, in coordination with the Office of the Chief  
164 Financial Officer, shall provide an update to the Council as to the funds that have thus far been  
165 deposited into the Fund and the expected timeline for beginning to make payment of claims  
166 under this title.

167 (g) By September 1, 2017, and annually thereafter, the Mayor shall submit a report to the  
168 Council about the financial management, claim management, operation, and use of the Fund and  
169 paid family and medical leave program established in this title.



170 (h) By December 31, 2018, and every two years thereafter, the Auditor of the District of  
171 Columbia shall evaluate and submit a report to the Council on the implementation of the  
172 program established under this title.

173 Sec. 105. Contributions to the Fund.

174 (a) By September 30<sup>th</sup> of each year, the Chief Financial Officer of the District of  
175 Columbia shall certify the balance of the Fund established in section 104 of this Act. If the  
176 balance in the Fund is not certified to exceed one year of projected expenses under Act, the  
177 percentage contribution rate shall be, at a maximum, 1%.

178 (b)(1) If the balance is certified to exceed one year of projected expenses, the  
179 contribution rate shall be based on the following percentages:

| 180 | Individual Annual Salary | Percent Paid into Fund |
|-----|--------------------------|------------------------|
| 181 | \$0.01 under \$10,000    | 0%                     |
| 182 | \$10,000 under \$20,000  | .5%                    |
| 183 | \$20,000 under \$50,000  | .6%                    |
| 184 | \$50,000 under \$150,000 | .8%                    |
| 185 | \$150,000 and over       | 1%                     |

186 (2) If the Chief Financial Officer determines that the contribution rate provided  
187 for in this subsection is not required for the Fund to remain solvent, the Chief Financial Officer  
188 may determine a scaled percentage; provided that no contribution rate portion of the scaled  
189 percentage shall be more than 1%.

190 (c) Each covered employer shall contribute to the Fund in a manner and form prescribed  
191 by the Mayor under this title an amount equal to the contribution rate multiplied by the wages  
192 paid by that covered employer to each covered employee. If a covered employee does not  
193 receive income evenly throughout the year, the estimated payment shall be calculated using the  
194 annualized income installment method that annualizes the amount at the end of each period  
195 based on a reasonable estimate of income, deductions, and other items relating to events that  
196 occurred from the beginning of the tax year through the end of the period.

197 (d) Covered employers' contributions shall be made in the same manner and violations  
198 shall be subject to the same procedures, interest, penalties, and remedies as unemployment  
199 contributions pursuant to section 4 of the District of Columbia Unemployment Compensation  
200 Act, effective August 28, 1935 (49 Stat. 948, D.C. Official Code § 51-104), except that the  
201 Mayor may choose a different designee to prescribe regulations and otherwise implement this  
202 section.

203 (e) An eligible individual who earns wages in a capacity other than as a covered  
204 employee shall contribute to the Fund in a manner and form prescribed by the Mayor under this  
205 title an amount equal to the contribution rate multiplied by his or her wages earned and paid in a  
206 capacity other than as a covered employee, including, in the case of a self-employed individual  
207 who has not opted out of coverage under this title, self-employment income.

208 (f) Contributions required by subsection (e) of this section shall be made in the same  
209 manner and violations shall be subject to the same procedures, interest, penalties, and remedies  
210 as individual income taxes pursuant to D.C. Official Code §§ 47-1801.01 *et seq.* This  
211 requirement shall be incorporated into subchapter II of chapter 15 of title 47, District of

212 Columbia Code, for purposes of agreements with federal agencies entered into in accordance  
213 with 5 U.S.C. 5516.

214 Sec. 106. Self-employed individuals.

215 (a) An individual who earns self-employment income shall be continuously enrolled in  
216 the Paid Family and Medical Leave Program unless that individual has elected not to receive  
217 coverage during an open enrollment period or within 60 days of the commencement of their  
218 business.

219 (b) Open enrollment periods shall extend for 60 days after the effective date of this title  
220 and for the months of November and December during each subsequent calendar year. Coverage  
221 shall automatically continue each year unless an individual opts out and contributions shall be  
222 paid in monthly installments.

223 (c) If an individual who earns self-employment income, and who has previously opted  
224 out, wishes to reenroll in the Paid Family and Medical Leave Program, the individual shall do so  
225 for an initial period of not less than 3 years by providing written application of such reenrollment  
226 to the Mayor. After 3 years, the individual may withdraw from coverage during any open  
227 enrollment period. Any individual who previously opted out of coverage shall not be eligible for  
228 benefits for the first year after reenrolling in the Program.

229 (d) If an eligible individual who earns self-employment income does not make a timely  
230 payment then the District shall notify the eligible individual of the payment due. After notice  
231 has been given, and if payment is not received, then the eligible individual's policy shall be  
232 cancelled. The eligible individual may re-enroll only pursuant to section 106(c) of this title.

233 Sec. 107. Administration of the Paid Family and Medical Leave Program.

234 (a) The Mayor shall establish procedures and forms for filing claims for benefits under  
235 this title.

236 (b) Claims for benefits shall be made in accordance with this title and any regulations that  
237 the Mayor may prescribe for administration of the program provided for in this title.

238 (c) The Mayor shall not require any individual to provide a social security number in  
239 order to apply for or obtain benefits under this title.

240 (d) The Mayor shall notify the employer within 5 business days of a claim being filed  
241 pursuant to this title.

242 (e) Within 10 business days after an individual has filed a claim for benefits under this  
243 title, the Mayor shall make and notify an individual of:

244 (1) an initial determination as to an individual's eligibility to receive benefits  
245 pursuant to this title;

246 (2) the weekly amount payable to the eligible individual;

247 (3) the week with respect to which payments will commence; and

248 (4) the maximum duration thereof.

249 (f) If an individual is deemed eligible to receive family and medical leave benefits  
250 provided for under this title, the Mayor shall make the first payment to the eligible individual  
251 within 10 business days of the determination and subsequent payments shall be made biweekly  
252 thereafter.

253 (g) The Mayor shall use information sharing and integration technology to facilitate the  
254 disclosure of relevant information or records so long as an individual consents to the disclosure  
255 as required under District law.

256 (h)(1) The Mayor shall create a user-friendly, online portal for the submission and  
257 management of forms and documents.

258 (2) The portal shall be accessible to the public via the Internet, and shall be  
259 designed with a privacy protected, user-friendly, interactive, searchable interface that provides  
260 information relevant to claimants, employers, and the public.

261 (3) No individual information shall be posted on this portal.

262 (4) The components of the portal accessible to the general public shall include at a  
263 minimum, real-time, searchable parameters for the purpose of collection of reportable data,  
264 tracking program use, and to use data to reduce the cost of the program and to integrate the  
265 program with existing District benefit programs.

266 (i) Information contained in the files and records pertaining to an individual under this  
267 title are confidential and not open to public inspection, other than to public employees in the  
268 performance of their official duties. However, an individual or an authorized representative of  
269 an individual may review his or her own records or receive specific information from his or her  
270 own records. All documents may be accepted and distributed electronically pursuant to D.C.  
271 Official Code § 28-4917.

272 (j)(1) The Mayor shall prescribe and provide to covered employers a notice explaining:

273 (A) The employees' right to paid family and medical leave benefits under  
274 this title and the terms under which such leave may be used;

275 (B) That retaliation by the covered employer against the covered  
276 employee for requesting, applying for, or using paid family and medical leave benefits is  
277 prohibited; and

278 (C) That the covered employee has a right to file a complaint and the  
279 procedures established by the Mayor for filing a complaint.

280 (2) The notice shall comply with the Language Access Act of 2004,  
281 effective June 19, 2005 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*).

282 (3) Each covered employer shall, at the time of hiring and annually thereafter, and  
283 at the time the covered employer is aware that the leave is needed, provide this notice to each  
284 covered employee. Each covered employer shall also post and maintain the notice in a  
285 conspicuous place in English and in all languages in which the Mayor has published the notice.

286 (4) A covered employer who violates this notice requirement shall be assessed a  
287 civil penalty not to exceed \$100 for each covered employee to whom individual notice was not  
288 delivered and \$100 for each day that the covered employer fails to post the notice in a  
289 conspicuous place. No liability for failure to post notice will arise under this section if the Mayor  
290 has not prescribed the notice required by this section.

291 (k) (1) The Mayor shall conduct a public education campaign to inform covered  
292 employees, covered employers, and eligible individuals regarding the availability of paid family  
293 and medical leave benefits in the District. In the first 2 years after the program is established, the  
294 Mayor shall use .5% of the funds collected for the paid family and medical leave program in a  
295 given year to pay for the public education program. In subsequent years, the Mayor shall use  
296 .25% of the funds collected for the paid family and medical leave program to pay for the public  
297 education program.

298 (2) The Mayor shall coordinate with the Office of Human Rights and other  
299 agencies the Mayor deems appropriate to create an awareness campaign for the program  
300 established by this title.

301 (3) All outreach information shall comply with the Language Access Act of 2004,  
302 effective June 19, 2005 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*).

303 Sec. 108. Coordination of benefits.

304 (a) If paid leave taken under this title also qualifies for protected leave under the Family  
305 and Medical Leave Act, 29 U.S.C. 2601, or the D.C. FMLA, paid leave provided pursuant to this  
306 title shall run concurrently with leave taken under those acts.

307 (b) If an eligible individual is eligible for short-term disability insurance offered by a  
308 covered employer, this does not exempt the covered employer or eligible individual from this  
309 title.

310 (c) This title shall not:

311 (1) Supersede any provision of law, collective bargaining agreement, or other  
312 contract that provides paid leave rights in addition to the rights established under this  
313 title; or

314 (2) Prevent a covered employer from adopting or retaining a paid leave policy that  
315 provides greater benefits than are required by this title.

316 (d) An individual's right to benefits under this title may not be diminished by a collective  
317 bargaining agreement, other contract, or an employer policy entered into or issued after the  
318 effective date of this Act. Any agreement by an individual to waive his or her rights under this  
319 title that is entered into after the effective date of this Act is void as against public policy.

320 Sec. 109. Appeals.

321 (a) Within 60 days of an individual being notified of a claim determination made by the  
322 Mayor, an individual may appeal the claim determination, weekly amount of benefits being

323 provided to the individual, or the duration of the benefits to the Office of the Administrative  
324 Hearings.

325 (b) The Office of Administrative Hearings shall consider as evidence of eligibility  
326 documentation including but not limited to: paystubs; documentation of wages in the form of  
327 personal checks, cash receipts, or bank deposits; work schedules; communications between  
328 employer and employee; and any circumstantial evidence of the employee's eligibility.

329 (c) In any case where an employer has failed to keep or provide an employee with  
330 employment records as required under D.C. law or has failed to make contributions on wages  
331 paid to an employee as required under this title, the Office of Administrative Hearings shall  
332 presume the employee eligible and shall consider broadly evidence of the employee's eligibility  
333 for the benefit.

334 (d) A complaint, other than a claim determination, shall be filed within 1 year of the  
335 occurrence or discovery of the alleged violation of this title, whichever is later.

336 (e) For complaints, other than a claim determination, that arise under this title, the  
337 administrative enforcement procedure and relief shall be the same as that in the District of  
338 Columbia Family and Medical Leave Act of 1990, effective March 14, 1991 (D.C. Law 8-181;  
339 D.C. Official Code § 32-501 *et seq.*).

340 (f) Notwithstanding any other provision of this title:

341 (1) All correspondence, notices, determinations, or decisions required for the  
342 administration of this title may be transmitted to claimants, employers, or necessary parties by  
343 electronic mail or other means of communication as the claimant, employer, or necessary party  
344 may select from the alternative methods of communication approved by the Mayor. The Mayor



345 shall issue a list of such approved methods of communication within 45 days after the effective  
346 date of this title.

347 (2) All correspondence, notices, determinations, or decisions issued by the Mayor  
348 may be signed by an electronic signature that complies with the requirements of D.C. Official  
349 Code § 28-4917 and Mayor's Order 2009-118, issued June 25, 2009.

350 Sec. 110. Erroneous payments and disqualification for benefits.

351 (a) An individual is disqualified from family and medical leave benefits for one year if  
352 the individual willfully made a false statement or misrepresentation regarding a material fact, or  
353 willfully failed to report a material fact, to obtain benefits under this title.

354 (b) If family and medical leave benefits are paid erroneously or as a result of willful  
355 misrepresentation, or if a claim for family and medical leave benefits is rejected after benefits are  
356 paid, the Mayor may seek repayment of benefits from the recipient. The Mayor shall exercise  
357 his or her discretion to waive, in whole or in part, the amount of any such payments where the  
358 recovery would be against equity and good conscience.

359 Sec. 111. Prohibited acts.

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

362 (b) It shall be unlawful for an employer to retaliate in any manner against any person  
363 because the person:

364 (1) Opposes any practice made unlawful by this title;

365 (2) Pursuant or related to this title:

366 (A) Files or attempts to file a charge;

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

368 (C) Facilitates the institution of a proceeding; or  
369 (3) Gives any information or testimony in connection with an inquiry or proceeding  
370 related to this title.

371 Sec. 112. Investigative authority.

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

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

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

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

379 (c) For the purpose of any investigation provided for in this section, the Mayor may  
380 exercise the subpoena authority provided in D.C. Law 3-109, § 3, 27 DCR 3785.

381 Sec. 113 Enforcement by civil action.

382 (a) Subject to the provisions in subsection (b) of this section, a covered employee,  
383 eligible individual, or the Mayor may bring a civil action against any employer to enforce the  
384 provisions of this chapter in any court of competent jurisdiction.

385 (b) No civil action may be commenced more than 1 years after the occurrence or  
386 discovery of the alleged violation of this chapter. This 1 year period shall be tolled during the  
387 course of any administrative proceedings or during any period when a covered employer has  
388 failed to comply with the notice provisions of this title.

389 **Title II Conforming Amendments**

390 Sec. 201. Section 6 of the Office of Administrative Hearings Establishment Act of 2001,  
391 effective March 2, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03) is amended by  
392 adding a new subsection (b-9) to read as follows:

393 “(b-9) In addition to those adjudicated cases listed in subsections (a), (b), (b-1), (b-2), (b-  
394 3), (b-4), (b-5), (b-6), (b-7), and (b-8) of this section, this act shall apply to all adjudicated cases  
395 that arise from Bill 21-415, the “Universal Paid Leave Act of 2016.”

396 Sec. 202. Paragraph 4 of Section 2 of the D.C. Family and Medical Leave Act of 1990,  
397 effective March 14, 1991 (D.C. Law 8-181; D.C. Official Code § 32-501(4)) is amended as  
398 follows:

399 (a) Subparagraph (B) is amended by striking the word “or”.

400 (b) Subparagraph (C) is amended by striking the period and inserting the phrase “; or ” in  
401 its place.

402 (c) A new subparagraph (D) is added to read as follows:

403 “(D) A foster child.”

404 **Title III Fiscal impact and effective date.**

405 Sec 301. Applicability.

406 (a) Title I and Title II of this act shall apply upon the date of inclusion of its fiscal effect  
407 in an approved budget and financial plan.

408 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal  
409 effect in an approved budget and financial plan, and provide notice to the Budget Director of the  
410 Council of the certification.

411 (c)(1) The Budget Director shall cause the notice of the certification to be  
412 published in the District of Columbia Register.

413 (2) The date of publication of the notice of the certification shall not affect  
414 the applicability of this act.

415 Sec. 302. Fiscal impact statement.

416 The Council adopts the fiscal impact statement in the committee report as the fiscal  
417 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
418 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

419 Sec. 303. Effective date.

420 This act shall take effect following approval of the Mayor (or in the event of veto by the  
421 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
422 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
423 24, 1973 (87 Stat. 813; D.C Official Code § 1-206.22(c)(1)), and publication in the District of  
424 Columbia Register.