

## EMPLOYEE HANDBOOK

# DC Paid Family Leave



dc paid  
**family leave** 

## Disclaimer

The Department of Employment Services (DOES) has provided this toolkit as a public service. It is designed to provide employees with an overview of their rights and responsibilities under the District of Columbia's Paid Family Leave program. It is intended as general information only and does not carry the force of a legal opinion. Liability and eligibility determinations will be made on a case by case basis. DOES reserves the right to update the material and information as necessary. The Universal Paid Leave Amendment Act (UPLA) of 2016 and related regulations remain the official sources for information related to the Paid Family Leave program.

## About DOES

### Mission Statement

The mission of the Department of Employment Services (DOES) is to connect District residents, job seekers, and employers to opportunities and resources that empower fair, safe, effective working communities.

### Vision

The Department of Employment Services provides comprehensive employment services to ensure a competitive workforce, full employment, life-long learning, economic stability, and the highest quality of life for all District residents.

### Connect With Us

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# The District of Columbia's Paid Family Leave Program

The District of Columbia's Paid Family Leave program provides employees with benefits when they are out on leave from work to bond with a new child, take care of a family member, or take care of their own serious health condition. Paid Family Leave is an insurance program, which means that only employees who have worked in a covered job can receive benefits and only when they experience a covered event. Employers contribute to the program on behalf of their employees by paying a tax.

All private-sector employers in the District of Columbia (DC) must participate in the program and contribute on behalf of their employees. Since July 1, 2019, employers have paid a Paid Family Leave tax to fund the benefits. The tax is 0.62% of the wages employers pay to employees. Employees will be able to apply for benefits on July 1, 2020. Almost all DC-based employees of private-sector DC employers are covered.

The Paid Family Leave program is administered by the Department of Employment Services (DOES), Office of Paid Family Leave (OPFL). Employers have accounts and pay the Paid Family Leave tax through the Employer Self Service Portal (ESSP). Beginning July 1, 2020, employees can apply for benefits through a new online portal, which will be available starting in 2020. Employees without computer access will be able to apply for benefits in person.





# Chapter 1

## **COVERED EMPLOYEES AND COVERED EVENTS**

# Covered Employees

In order to receive benefits from the Paid Family Leave program, you must have worked for an employer in DC before you experienced a covered event. Your employer should have reported your wages to DOES and paid taxes to the District based on the wages they paid to you. Your employer is required to tell you if you are covered by the Paid Family Leave program. You should receive information about Paid Family Leave from your employer at these three times:

1. **At the time you were hired (if you were hired after February 2020)**
2. **At least once a year starting in 2020**
3. **If (in February 2020 or later) you ever asked your employer for leave for which you could receive benefits under the Paid Family Leave program**

In addition, you should see a poster about Paid Family Leave in addition to other labor laws displayed in your worksite, often in your breakroom or other common space. Most likely, you are a covered employee and can receive Paid Family Leave benefits if you spend most of your work time in DC. However, your eligibility for benefits depends on many factors. For more details on covered employees, see the chapter on “Covered Employee” in our Employer Toolkit. To find out if you are a covered employee, you can ask your employer.



# Covered Events

There are three kinds of events for which you may be eligible for Paid Family Leave benefits:

1. **Parental leave**
2. **Family leave**
3. **Medical leave**

Each kind of leave has its own eligibility rules and its own limit on the length of time you can receive benefits in a year.

- For parental leave, you can receive benefits for up to 8 WEEKS in a year
- For family leave, you can receive benefits for up to 6 WEEKS in a year
- For medical leave, you can receive benefits for up to 2 WEEKS in a year



## 8 WEEKS

parental leave to bond with a new child, including adopted and foster children



## 6 WEEKS

family leave to care for a sick family member



## 2 WEEKS

personal medical leave

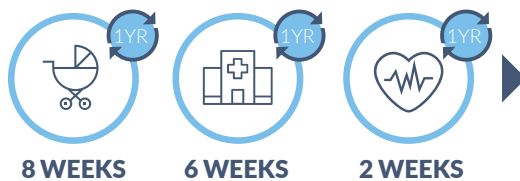
No matter how many different types of leave you may take, you can only receive a total of 8 weeks of Paid Family Leave benefits in a single year.

Except in some special emergency situations, you may only receive benefits for leave that you take **after** you apply for Paid Family Leave benefits. This means that you cannot receive benefits for an event that happened in the past for which you took leave from work before applying for benefits. For more details on applying for benefits and for what qualifies as an emergency situation, see the next chapter, “Applying for Benefits.”

The limits on the number of weeks of leave are the most you could receive, but you may not receive the maximum amount. The actual number of weeks of leave for which you may receive benefits could differ depending on your medical condition and other factors.

## What if I have more than one event in a year?

You can receive Paid Family Leave benefits for multiple events that you experience in a single year. It doesn't matter whether those events are of the same leave type or a different leave type. But no matter how many events you experience in a year or how severe those events may be, you can only receive up to 8 weeks of paid benefits from the Paid Family Leave program in a single year. If you experience more than one event within the same leave type, the same rule applies to the limit on the amount of leave within that leave type. For example, if you have one medical leave event for which you receive benefits for 1 week, and then later in the year you experience another medical leave event that lasts 2 weeks, you will only receive 1 week of paid benefits for the second medical leave event because you can only receive 2 total weeks of paid medical leave benefits in a single year.



*An applicant may receive a maximum of 8 weeks of benefits in a 52-week period.*

## When does the leave limit “reset”?

For the Paid Family Leave program, a year means 52 weeks. The 52-week period starts on the Sunday that began the week during which Paid Family Leave benefits were first payable to you. For example, if you first received Paid Family Leave benefits on October 1, 2020, which is a Thursday, the 52-week period would start on Sunday, September 27, 2020. The week beginning September 27, 2020 is the 40th week in the year 2020 but is the 1st week of your claim year. You would only be allowed to receive 8 weeks' worth of Paid Family Leave benefits until the 40th week of the year 2021, which would be 53 weeks after your claim began. That week begins on September 26, 2021. On that date, the 8-week limitation on benefits would “reset,” and you would be eligible again for 8 weeks' worth of benefits.

The limit on the number of weeks for each kind of leave resets separately. So the 6-week limit on family leave resets 52 weeks after the week you first had benefits payable for a family leave event, and the 2-week limit on medical leave resets 52 weeks after the week you first had benefits payable for a medical leave event. The 8-week limit on all leave types resets 52 weeks after the week you first had Paid Family Leave benefits payable to you, no matter which leave type was first.



**The 52-week period for your Paid Family Leave benefits starts during the week for which benefits are first payable to you. As explained in Chapter 2, there is a 7-day waiting period for benefits. Benefit payments occur on a schedule every two weeks. You will always receive payment for your Paid Family Leave benefits after the week for which benefits were payable to you and during which you took leave.**

**EXAMPLE:** For example, a mother gives birth on Thursday, August 6, 2020. She files for benefits that Saturday, August 8, after she comes home from the hospital. She has a 7-day waiting period, counted from the day of the qualifying event, during which no benefits are payable. In this scenario, she requests the full period of 8 weeks of benefits, which starts after the 7-day wait period on Thursday, August 13, and ends 8 weeks later on Wednesday, October 7. The Office of Paid Family Leave (OPFL) reviews her claim, approves her for benefits, and notifies her within 10 business days after she filed the claim. This means that the latest date on which she could receive a notification from OPFL is Friday, August 21. She will receive her first payment for benefits on Tuesday, August 25. This first payment includes benefits payable for days of leave from August 13 to August 22.



## Parental Leave

You can receive parental leave benefits if one of the following happens:

- **Your biological child was born in the past year**
- **A child was placed with you for adoption in the past year**
- **A child was placed with you for foster care in the past year**
- **You legally assumed parental responsibility for a child in the past year**

The "past year" for parental leave means one year from the calendar date on which the event occurred. For example, if a child was placed with you on August 4, 2020, you would have until August 3, 2021 to take leave and receive Paid Family Leave benefits for that leave.

The purpose of parental leave benefits is to bond with your new child. You do not need to prove in what way you are bonding with your child in order to receive parental leave benefits. You only need to show to DOES proof that your child was born or that a child was placed with you within the past year. For more information on what you need to apply, see Chapter 2.

### What happens when a child was born before July 1, 2020?

Paid Family Leave benefits are paid when you experience a qualifying event and take leave from work due to that event. If you had a child, or a child was placed with you, on or after July 1, 2019, you may be eligible to receive benefits for leave taken starting on July 1, 2020. However, you will only receive benefits for leave that is actually taken from work after July 1, 2020 and up to one year after the birth or placement occurred. For example, if a child was born or placed with you on July 10, 2019, you could take leave from work and receive Paid Family Leave benefits for the period beginning July 1, 2020 through the year that began on July 10, 2019, and ends on July 9, 2020.

## Family Leave

You can receive family leave benefits if:

- 1. One of your family members experiences the diagnosis or occurrence of a serious health condition**
- AND**
- 2. That family member requires care or companionship from you**

Details on what qualifies as a serious health condition can be found in the next section on medical leave benefits. For Paid Family Leave benefits, the meaning of "serious health condition" is the same for your own injury or illness as it is for the injury or illness of your family member.

The purpose of Paid Family Leave's family leave benefits is to allow you to be with your family in difficult times and to provide needed care and companionship to your loved ones when they need it the most. You can only receive family leave benefits if you will be providing care or companionship to your family member with a serious health condition. When you apply for these benefits, DOES will request a medical certification from your family member's medical provider. The medical certification will request that your family member's doctor confirm that care or companionship is needed by you.

Eligible family members to whom you may provide care or companionship and receive family leave benefits for doing so are:

FAMILY MEMBER	WHICH MEANS...
YOUR CHILD	Your biological, adopted, foster child, or stepchild
	A legal ward
	The child of your domestic partner
	A child to whom you currently stand in loco parentis (which means “in place of a parent”)
YOUR PARENT	Your biological, adopted, foster parent, or stepparent
	Your parent-in-law (which means the parent of your spouse by marriage or domestic partnership)
	Someone who is your current legal guardian
	A person who stood in loco parentis (which means “in place of a parent”) to you when you were a child
YOUR GRANDPARENT	the biological, adopted, or foster, or step parent of your biological, adopted, foster, or step parent
YOUR SPOUSE	Someone to whom you are related by marriage or by domestic partnership
YOUR SIBLING	Your biological, adopted, foster, half sibling, or stepsibling
	Your sibling-in-law, which means: <ul style="list-style-type: none"> <li>• the spouse of your sibling</li> <li>• the sibling of your spouse</li> <li>• the spouse of your spouse's sibling</li> </ul>



## Medical Leave

You can receive medical leave benefits if you have a serious health condition that prevents you from working, attending school, or performing regular activities of daily living. Being “prevented” from doing these things could mean either the physical inability to do them or the inability to attend them because you are seeking treatment for your serious health condition. A serious health condition can be either physical or mental in nature and can be an injury, illness, or impairment.

In order for your health condition to be considered a “serious health condition” that would qualify for medical leave benefits, one of the following must be true:

- **Your condition involved at least an overnight stay in a hospital, hospice, or residential medical care facility.**

For example, you were in a serious car accident and were rushed to the hospital and remained there for treatment overnight or longer.

- **Your condition caused an inability for you to work, attend school, or perform other regular daily activities for a period of at least three full days and also required the attention of a medical provider within 10 days of the beginning of the condition or the attention of a medical provider on two separate occasions within 30 days of the beginning of the condition.**

For example, you were in a sports-related accident that caused serious but not life-threatening injuries that caused you to be unable to work due to healing from broken bones. You had to recover at home for three full days and to follow up with outpatient health care providers to treat the broken bones and monitor your healing.

- **Your condition is a chronic condition that causes you to occasionally have an inability to work, attend school, or perform other regular daily activities and that requires you to seek treatment from a health care provider at least two times a year.**

For example, you have asthma or diabetes that sometimes gives you symptoms that flare up unpredictably and cause you to be unable to leave the house for a day or more. You see doctors multiple times a year to monitor the condition and to prescribe medications.

- **Your condition is an incurable condition for which treatment may not be effective and that causes you to permanently have an inability to work, attend school, or perform other regular daily activities.**

For example, you have been diagnosed with and are experiencing symptoms of Alzheimer's or a terminal cancer.

- **You require restorative surgery to achieve functional capacity after an accident or injury and require multiple treatments related to the same accident or injury. The restorative surgery must be for the purpose of achieving functional improvement, not cosmetic improvement. Procedures related to an individual's gender transition qualify as covered restorative surgery.**

For example, you were in a severe accident that has affected your ability to walk. Your medical providers say that surgery could restore your ability to walk, but that it may take multiple treatments and rehabilitation to achieve this.

- **You require multiple treatments by medical providers in order to avoid the occurrence of a condition that without treatment would cause you to be unable to work, attend school, or perform other regular daily activities for at least three full days.**

For example, you have been diagnosed with cancer, but are not currently experiencing symptoms. Your doctor recommends immediate treatment because the condition is serious and without treatment would surely lead to a more serious condition involving sickness that would prevent you from attending work. You could receive Paid Family Leave benefits to receive multiple treatments for this condition.

- **You are currently pregnant and have an inability to work, attend school, or perform other regular daily activities due to your pregnancy, or you need to take leave from work in order to attend prenatal care appointments with medical providers.**

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**“Activities of daily living” include such things as bathing, showering, dressing, getting in and out of bed or a chair, walking, using the toilet, and eating. If you are unable to do any of these things because of an injury or illness, you may qualify for medical leave benefits.**

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If one of these events has occurred, you may qualify for medical leave benefits. Along with your application, you will be required to submit a medical certification from your doctor. See Chapter 2 for more information about applying for benefits.

If you have experienced an event that would qualify for parental, family, or medical leave benefits, and are currently employed by a covered employer, you may apply for benefits with the Office of Paid Family Leave.





# Chapter 2

## **APPLYING FOR BENEFITS**

# Before You Apply

For some events, you may know that they are coming before you need to take off from work. This can happen when you are expecting a baby, when you are planning to adopt a child, or if a loved one has been diagnosed with a condition that you know will require care. In these cases, there are certain things you should do to prepare to apply for Paid Family Leave benefits.

## Tell Your Employer

As long as you have reason to believe that you will need time off for a qualifying event, the law requires you to tell your employer that you will be taking time off at least 10 days before you need the leave. It is best to do this in writing so that there is a record that you gave notice.




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**The Paid Family Leave law requires at least 10 days' notice from employees to employers of the need for leave when the employee knows that they will need leave. However, other leave laws require notice more than 10 days before. The Family and Medical Leave Act (FMLA) and the District of Columbia Family and Medical Leave Act (DCFMLA) both require that employees provide at least 30 days' notice to employers of the need for leave. If you want your leave to qualify for the protections offered under those laws, you must do everything that is required by those laws, including providing advanced notice.**

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If you are unable to provide your employer with notice 10 days before the need for leave because the situation is an emergency, you must provide notice as soon as possible. If you can, you should give notice before the first work shift that you would miss due to the event. If it is a true emergency and you are physically unable to provide notice before missing work, you or someone on your behalf must give notice to your employer no more than 2 days after the emergency happened.

When you tell your employer that you will be on leave, you must include the following things in what you tell your employer:

- 1. The type of Paid Family Leave benefits you will be applying for***

You do not need to tell any details to your employer about your Paid Family Leave claim. You only need to say whether the leave will be for “parental leave,” “family leave,” or “medical leave.”

- 2. How long you expect to be out on leave***

This could be any length of time from a few days to weeks or months. You should be as specific as possible.

- 3. The expected start and end dates of the leave***

If you are unsure of the exact dates, you should give an estimate. If you are taking family or medical leave, your doctor should be able to provide you with an estimate.

- 4. Your leave schedule***

You need to tell your employer whether you will be out for one single period of time (this is known as “continuous leave”) or whether you will be working and taking leave during the same period or even within the same week (this is known as “intermittent leave”). You need to be specific about the days you will be out on leave. For more information about intermittent and continuous leave, see Chapter 4.



## Gather Documents

All Paid Family Leave claims require certain documents and forms in order to be approved for benefits. If you expect to take leave in the future, you can gather these documents and begin to fill out the forms before you apply for benefits. The documents you will need and the information you will need to complete the forms are listed below (see the section “What You Need to Apply”). Although you can gather these documents before you need to take leave, you are not allowed to submit a claim before you actually experience the event. If you apply for benefits too early, your claim may be denied. You must wait until after the event happens to submit a claim. If you expect to be unable to submit a claim soon after the event, you are allowed to choose someone to submit the claim on your behalf. This person is called an “authorized representative.”

If you know that an event is about to happen, you can fill out all of the claim forms with all of the information you know before the event happens, leaving blank the date of the event and other unknown information. If you plan to apply online, you will be allowed to fill out the online forms and save them before submitting them. If you plan to apply using the paper forms, you can also fill them out except for the date and other unknown information and wait to submit them to OPFL after the event occurs.

## Choose an Authorized Representative

An authorized representative is someone who is allowed to submit and manage Paid Family Leave claims on your behalf. You are not required to choose an authorized representative, but you may do so, if you want.

In certain circumstances, some people will always be allowed by OPFL to submit and manage claims on your behalf because they are always considered to be authorized representatives by our office. In these cases, you do not need to give proof in advance of the qualifying event to OPFL that these individuals are authorized to act on your behalf. These individuals are:

- **Your legal guardian if you are under 18**
- **Someone holding power of attorney on your behalf**

When a doctor says that you are unable to act on your own behalf, your legal guardian will be allowed to submit and manage claims on your behalf.

If you already have legal documents designating someone as being allowed to act on your behalf when certain conditions are met, we will allow that person to submit and manage claims on your behalf. This person is usually referred to as having “general power of attorney” for you. If someone has a valid general power of attorney (POA) for you, the POA document may contain language addressing the person’s power to manage government or insurance benefits on your behalf or some similar language. If the POA document contains that language and the provisions under which the POA document giving that person authority to act on your behalf have been met (such as a doctor certifying that you are unable to act on your own behalf), OPFL will allow that person to submit and manage claims for you as long as the person provides proof of the POA to us when they apply for benefits on your behalf. The person holding the power of attorney for you will also have to prove that the provisions authorizing them to act on your behalf have been met.

In cases where you have not already established a general power of attorney before needing to submit a claim, OPFL may allow you to choose an individual who will be allowed to submit and manage claims on your behalf. You may be allowed to submit a specific power of attorney form for OPFL giving the person this power. The power of attorney form that OPFL will provide is known as a “limited power of attorney”. It will grant a trusted person the authority to make or modify Paid Family Leave related claims on your behalf, but it will not grant authority to make decisions on your behalf for any other purpose. For more details on this form, please contact the OPFL.





# When to Apply

## After an Event

You can apply for Paid Family Leave benefits only after a qualifying event has occurred. If you apply before the date on which the event happened, your claim may be denied.

## ...but Soon After the Event

In order to receive full benefits, you should apply as soon as possible after a qualifying event occurs. In general, you will not receive benefits for periods before the date on which you applied for benefits. This rule does not apply in emergency situations (see the section, "In Emergency Situations," on page 18).

Although benefits are not payable for periods before you applied for benefits, most people will still have time to submit a claim before it affects their benefit amount. This is because there is a 7-day waiting period after you experience a qualifying event before benefits will be payable to you. The 7-day waiting period starts on the day you experience the event, not on the day you submit a claim. So if you have a waiting period, you have 7 days after you experience an event to file a claim without affecting your total benefit amount because you would not receive benefits for those days.

## 7-Day Waiting Period

For the first claim you submit in a year, you will have a 7-day waiting period. The waiting period starts on the first day you experienced the event. The waiting period does not necessarily start on the day you submit a claim, unless that was also the first day of the event. You only have one waiting period per year. If you experience multiple events in one year and are approved for benefits for those multiple events, only the first event has a waiting period.

The waiting period starts upon the occurrence of a qualifying event, but a qualifying event date is different for each leave type. For parental leave, the event date is the date of the birth or placement of the child. For family leave and medical leave, the event date is the date on which the health care provider completed the medical certification form. This is because a "medical leave event" means the diagnosis of a serious health condition, and when your doctor completes the medical certification form, the doctor is diagnosing a serious health condition.

## In Emergency Situations

If you were physically or mentally unable to submit a claim after a qualifying event, you can submit documents to OPFL showing that to be the case. Also, if you can show that there was no reasonable way for you to submit a claim despite your best efforts, you can submit documents to OPFL showing this to be the case. This second exception will generally only be acceptable in cases such as extreme weather or other large-scale disturbances. In these emergency situations, you may be eligible for benefits for the period after you experienced a qualifying event and before you submitted a claim to OPFL.

### Example of Applying For Benefits

Your expected due date to give birth is September 30, 2020. Leading up to this date, throughout the month of September, you can follow the steps given above in the section “Before You Apply.” You should notify your employer that you expect to be out, start collecting all of the documents you know you will need to file for benefits, and, if needed, make sure someone is legally allowed to file a claim on your behalf. If you do give birth exactly on September 30, you are allowed to submit a claim starting on that date. If you are approved for benefits, you could receive benefits for a period starting on October 7, which is seven days after September 30 (because of the waiting period). If you are unable to go online to submit a claim on September 30, your authorized representative is allowed to do so on your behalf. If neither you nor your authorized representative files on your behalf on September 30, you can wait a few days to file for benefits. Because of your waiting period, if you wait up to seven days to apply for benefits, this will not affect the amount of benefits you will receive. You have until October 7 to file for benefits with no effect on your total benefits. If approved, you would receive benefits payable for the period starting on October 7, no matter when you filed between September 30 and October 7.



#### NOTIFY

Notify your employer that you expect to be out



#### COLLECT

Start collecting all documents you know you will need to file for benefits



#### FILE

If needed, make sure someone is legally allowed to file a claim on your behalf

# What You Need to Apply

## For All Claims

Certain information is required for all Paid Family Leave claims. This is basic information needed to prove your identity and to tell OPFL about what kind of claim you wish to make. All information you provide in your application for benefits is kept confidential and is not released to anyone other than OPFL staff unless required by law. All of this basic information can be provided on OPFL's forms, either in paper form (send to Office of Paid Family Leave, 4058 Minnesota Ave. NE, Washington, DC 20019) or online. This information is:

●	Your full name and date of birth
●	Your Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN), which is needed for OPFL to verify that wages were paid to you by a covered employer
●	Contact information for you, which means your mailing address, telephone number, and email address
●	The name of your employer's business (unless you are a self-employed individual)
●	Contact information for your employer (this should be the person at your place of employment you want OPFL to contact about your claim, such as your supervisor or human resources (HR) officer)
●	The type of qualifying leave for which you are applying (parental leave, family leave, or medical leave)
●	The dates on which you expect to be out of work due to the qualifying event and for which you are applying for Paid Family Leave benefits (the dates cannot be more than one year after the date on which you are filing for benefits)
●	Information about your regular work schedule (see Chapter 4, "The Leave Schedule")
●	Your signature showing that you believe the information you provided is correct and that you understand the rules about working while receiving benefits (for these rules, see Chapter 5, "While Receiving Benefits")

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**In order to apply for benefits, you must choose specific future days on which you will be on leave. You cannot apply for benefits by saying that you will be taking leave as needed. If, after applying for benefits, your needs change and you will be on leave on different days than those you first chose, you are allowed to make changes to your claim. For information on making changes to your claim, see Chapter 5, "While Receiving Benefits."**

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In addition to this information required for all claims, additional information is required based on the type of leave for which you are applying.



## Documents for Parental Leave Claims

For parental leave claims, you must show proof that a qualifying parental leave event has occurred. This proof may be one of the following:

- A birth certificate
- A hospital admission form given to you when you gave birth
- A document from a medical provider who provided care to your newborn child
- A court document showing custody of a child and the date on which you took custody of the child
- A document from an adoption or foster care agency involved in the placement of your child that confirms the placement with you and the date of the placement

If you have experienced a qualifying parental leave event and have none of these documents, please contact OPFL to learn what other types of documentation may be acceptable.






## Documents for Family Leave Claims

For a family leave claim, you will need two documents in addition to the documents needed for all claims. The first document is an additional claim form filled out by you, and the second is a medical certification filled out by a health care provider. OPFL may ask your family member to sign a form giving OPFL permission to receive additional medical documentation from your family member's health care provider.









### Additional Family Leave Claim Form

This form requires the following information:

	Your relationship to the family member (for family members that qualify, see Chapter 1)
	A description of the care or companionship you will provide to the family member
	Your signature showing that the information you provided is true

### Medical Certification

The medical certification, which needs to be filled out and signed by a health care provider such as a doctor, nurse practitioner, or clinical psychologist, contains the following:

	Contact information for the health care provider, including the name, address, telephone number, and email address
	The medical license number of the health care provider
	The name of the diagnosis of the serious health condition and the International Classification of Diseases code for the condition (ICD-10 code)
	The date that the serious health condition began
	The expected duration of the serious health condition
	The medical provider's opinion about the ability of the family member to work, attend school, or perform other regular daily activities due to the serious health condition
	The medical provider's opinion about the nature of the care or companionship that your family member needs from you
	Additional details about the health condition

## Documents for Medical Leave Claims

For a medical leave claim, you will have to sign a form giving OPFL permission to receive additional medical documentation from your health care provider, if needed. All medical documentation received by OPFL is kept confidential and is not released to anyone other than OPFL staff unless required by law.

### Medical Certification

In addition, you will need to submit a medical certification completed by a health care provider such as a doctor, nurse practitioner, or clinical psychologist, that contains the following:

- Contact information for the health care provider, including the name, address, telephone number, and email address
- The medical license number of the health care provider
- The name of the diagnosis of the serious health condition and the International Classification of Diseases code for the condition (ICD-10 code)
- The date that the serious health condition began
- The expected duration of the serious health condition
- The medical provider's opinion about your ability to work, attend school, or perform other regular daily activities due to the serious health condition
- Additional details about the health condition



# How to Apply

When you are ready to apply for benefits, you can do so online or using paper forms. For information on applying for benefits, please visit [dcpaidfamilyleave.dc.gov](http://dcpaidfamilyleave.dc.gov) or call 202-899-3700.

## What to Expect After You Apply

After you apply for benefits with OPFL, you can expect to hear back from OPFL within 10 business days. During those 10 days, OPFL staff will review your application and notify your employer that you have filed a claim. After OPFL has made a decision on your claim, OPFL will notify you about your claim in the method you asked us to use in your application (by email or postal mail).

If OPFL has approved your claim for benefits, this determination letter will have the following information:

●	The date your leave will start
●	Whether your leave will be for one period of time ("continuous leave") or for shorter periods of time between days that you will work ("intermittent leave")
●	If your leave is intermittent, the dates for which you were approved for Paid Family Leave benefits
●	The date your leave will end
●	Your weekly benefit amount and, if your leave is intermittent, your daily benefit amount
●	The steps you can take to appeal OPFL's decision on your benefits, if you disagree with any part of the decision

If OPFL has denied your claim for benefits, this determination letter will have the following information:

●	The reason that OPFL denied your claim
●	The steps you can take to appeal OPFL's decision if you disagree with the decision

OPFL will send a separate determination letter to your employer. If your claim was denied, the determination letter will state this. If your claim was approved, the letter will include the following information:

●	The date your leave will start
●	Whether your leave will be continuous or intermittent
●	If your leave is intermittent, the dates for which you were approved for Paid Family Leave benefits
●	The date your leave will end
●	If you gave OPFL permission, your weekly benefit amount and, if your leave is intermittent, your daily benefit amount

## Telling Your Employer Your Benefit Amount

OPFL will not tell your employer what your benefit amount is without your permission. The reason for this is that your benefit amount may be based on income you earned through self-employment, a second job, or a job you had before starting with your employer. Even though OPFL will not tell your employer what your weekly benefit amount is, you may want to share your weekly benefit amount with your employer. Your employer may offer paid-leave benefits that you can receive at the same time as Paid Family Leave benefits, but your employer is allowed to refuse to give you these benefits unless you tell them what your Paid Family Leave benefit amount is (see the section on receiving other paid-leave benefits in Chapter 5). If your employer asks you to share your benefit amount and you want to do so, you can show them OPFL's determination letter to you approving your claim for benefits. At the time of applying for benefits, you will also have the option to give OPFL permission to share your benefit amount with your employer, if you wish to do so.





# Chapter 3

## **BENEFIT AMOUNTS**

Paid Family Leave benefits are based on the wages your employer paid to you and, if you opted in as a self-employed individual, any self-employment income you earned. In general, Paid Family Leave provides a higher wage replacement for lower income earners and a lower wage replacement for higher income earners. This means that lower earners will receive benefits that represent a higher share of their wages. Higher earners will usually receive larger benefit amounts than lower earners, even though the benefits may replace a smaller portion of their income.



# Wages That Count Toward Benefits

OPFL receives reports from employers four times per year that say how much in wages every covered employee earned. We use these reports to calculate your benefit amount.

When calculating your benefit amount, we will add together all the wages you earned from all of your covered employers, going back a little more than a year before your qualifying event. It doesn't matter whether you earned this income from the same or different employers. As long as those employers are covered by the Paid Family Leave program, your wages will count toward your Paid Family Leave benefits. Generally, the more income you earned during the past 15 months, the higher your benefit amount will be.

## Self-Employed Individuals

Self-employed individuals are allowed to opt in to the Paid Family Leave program. If they do so, any self-employment income they earn for work performed in DC and that they report to OPFL as self-employment income will count toward their Paid Family Leave benefit amount. Self-employed individuals who are also employees of covered employers can receive benefits just like any other employee. However, their total income from self-employment and from wages paid in covered employment will be added together before OPFL calculates their benefit amount. Self-employed individuals will not receive separate Paid Family Leave benefits for self-employment and for covered employment.

## If OPFL has Incorrect Wages for You

OPFL's calculation of your benefit amount depends on the wage reports your employer sends to us. If your employer does not report your wages to us or reports them incorrectly, your Paid Family Leave benefits may be incorrectly calculated. If you believe this has happened, you should contact OPFL right away and ask to file a wage investigation. Information about how to contact OPFL if this happens will be included on the statement OPFL sent to you with your approved benefit amount. After you tell OPFL that you believe your benefit amount is incorrect, you may need to provide other documents such as your W-2 tax forms, paystubs, time cards, or other records.

# The Benefit Formula

OPFL will calculate your benefit in the following way. These steps are only needed if you have reason to believe a mistake has been made on your claim. You can also use an online benefit calculator to estimate what your benefits may be. You can find this calculator at [www.does.dc.gov/page/dc-paid-family-leave](https://www.does.dc.gov/page/dc-paid-family-leave).

To calculate your benefits, follow these steps.

## Step 1

---

Add all of your covered wages in each of the five completed calendar quarters that ended before your qualifying event date. For parental leave, your qualifying event date is the date of the birth or placement. For medical or family leave, your qualifying event is the date your doctor completed the medical certification form. A calendar quarter means a period of three months. The quarters that OPFL uses to calculate benefits are as follows:

**QUARTER 1: JANUARY, FEBRUARY, MARCH**

**QUARTER 2: APRIL, MAY, JUNE**

**QUARTER 3: JULY, AUGUST, SEPTEMBER**

**QUARTER 4: OCTOBER, NOVEMBER, DECEMBER**

A completed quarter is one that is entirely in the past. For example, Quarter 2, 2019, was first completed on July 1, 2019. Quarter 4, 2020, was first completed on January 1, 2021. Wages “paid” in a quarter means the date on which the funds became available to you, not necessarily the date on which you performed the work for which you are being paid, nor the date on which you actually cashed a paycheck. Often, the date wages are “paid” is the pay date that is reported on your paystub. For many employers, this date usually follows the close of the pay period by a number of days or weeks in order to allow time for payroll to be calculated. If you have questions about your official pay date, contact your employer’s HR or payroll department.

Once you have calculated how much you earned in each of the past five completed calendar quarters, drop out the quarter in which you earned the lowest income among those five. If multiple quarters have the same amount, and they are the lowest-earning quarters, drop out only one of these quarters.

You will be left with earnings in four completed calendar quarters. It is ok if one or more of these remaining four quarters had zero income. You can still receive benefits as long as at least one of these four quarters had some income.

## Step 2

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Add the total amount of earnings from these 4 quarters.

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### Step 3

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Divide this amount by 52. The resulting number is called your “average weekly wage.”

### Step 4

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From this step, OPFL uses a different process depending on the amount of your average weekly wage. Deciding which process to use depends on DC’s minimum wage in the year in which you are applying for benefits. These instructions are written for claims between July 1, 2020, and June 30, 2021. After this period, the calculation will be different. To calculate benefit amounts after this period, use the instructions in the footnotes.

If your average weekly wage is more than \$900,<sup>1</sup> **GO TO STEP 5.**

If your average weekly wage is \$900 or less,<sup>2</sup> multiply your average weekly wage by 0.9. The resulting number, rounded to the nearest dollar, is your weekly benefit amount.

If your average weekly wage is \$900 or less,<sup>3</sup> **STOP HERE.**

### Step 5

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If your average weekly wage is more than \$900,<sup>4</sup> follow the remaining steps.

Subtract \$900 from your average weekly wage.<sup>5</sup> Multiply this number by 0.5.

### Step 6

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Add \$810 to the number you got in step 5.<sup>6</sup>

If this number is less than \$1,000,<sup>7</sup> then that number, rounded to the nearest dollar, is your weekly benefit amount.

If the number is greater than or equal to \$1,000,<sup>8</sup> your weekly benefit amount is \$1,000.<sup>9</sup>

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<sup>1</sup> or, if after June 30, 2021, then more than 1.5 times DC’s minimum wage

<sup>2</sup> or, if after June 30, 2021, then less than or equal to 1.5 times DC’s minimum wage

<sup>3</sup> or, if after June 30, 2021, then less than or equal to 1.5 times DC’s minimum wage

<sup>4</sup> or, if after June 30, 2021, then more than 1.5 times DC’s minimum wage

<sup>5</sup> or, if after June 30, 2021, then subtract 1.5 times DC’s minimum wage

<sup>6</sup> or, if after June 30, 2021, then add 90% of 1.5 times DC’s minimum wage

<sup>7</sup> or, if after June 30, 2021, then less than the maximum weekly benefit amount published by OPFL

<sup>8</sup> or, if after June 30, 2021, then greater than or equal to the maximum weekly benefit amount published by OPFL

<sup>9</sup> or, if after June 30, 2021, then equal to the maximum weekly benefit amount published by OPFL

# Total Amount of Benefits

Your weekly benefit amount is used to determine your actual benefit payments, which are made on a biweekly pay schedule (every two weeks) similar to the way many employers issue paychecks to employees. The exact amount of your biweekly payment amount will depend on how much time during the pay period you were on leave and claimed Paid Family Leave benefits. If you are receiving benefits on a schedule less than full time (an “intermittent leave” schedule), then your biweekly payment amount may be less than two times your weekly benefit amount. People receiving benefits full time (on a “continuous leave” schedule) for 8 full weeks can expect to see about 4-5 biweekly payments. Someone receiving the full 8 weeks of benefits can expect to receive 8 times their weekly benefit amount by the time they have received all of their benefit payments.

## Examples of Benefit Amounts

Here are examples of employees’ incomes and their Paid Family Leave benefit amounts. These examples are for claims between July 1, 2020 and June 30, 2021.



**SUSAN EARNS \$20/HOUR INCLUDING TIPS  
WORKING AT A RESTAURANT**

Average weekly wage = \$800

Weekly Paid Family Leave benefit = \$720



**CARLOS EARNS A \$60,000 SALARY  
AS AN ADMINISTRATIVE ASSISTANT AT A LAW FIRM**

Average weekly wage = \$1,150

Weekly Paid Family Leave benefit = \$935



**TIFFANY EARNS A \$100,000 SALARY  
AS A BANK MANAGER**

Average weekly wage = \$1,900

Weekly Paid Family Leave benefit = \$1,000



# Chapter 4

## THE LEAVE SCHEDULE



You can choose on what schedule you want to receive your Paid Family Leave benefits. The two types of leave schedules are:

1. **A full-time leave schedule where you take off from work for a single period of time, which is known as a “continuous leave” schedule**
2. **A part-time leave schedule where you may work and receive benefits on different days in the same week, known as an “intermittent leave” schedule**

Continuous leave means that you will take leave all in one period and that you will not return to work at all between the first and last days you are taking leave under Paid Family Leave.

Intermittent leave means that you will receive Paid Family Leave benefits for leave from work for a certain period, then return to work, then take leave from work again, and so on. Often, people taking leave on an intermittent leave schedule will work and receive benefits on different days of the same week. Special rules apply for both kinds of leave schedules.

## Full-Time Leave

Full-time leave, which is called “continuous leave,” means a full-time leave schedule where you are off from work taking care of your qualifying event for one single period of time. You will remain continuously off from work from the first day to the last day you take leave under Paid Family Leave. Your benefits will continue to be paid on a biweekly payment schedule until you have reached the limit of your benefits or your claim ends.

Special rules apply for continuous leave when your first and/or last weeks of approved Paid Family Leave benefits are not full weeks that you are taking off from work. If your continuous Paid Family Leave claim begins (or ends) in the middle of a week, you will be paid less than a full week of benefits for that week. The amount of your Paid Family Leave benefits for that week will depend on your regular work schedule and on how much you worked during that week. If you want to start your Paid Family Leave benefits in the middle of a week, you will have to include in your claim form information about your regular work schedule. OPFL will also verify this information with your employer. This information is needed so that OPFL can make sure that you are receiving benefits that reflect your lost work time that week.

You must include in your claim information the number of days per week that you worked during your most recent regular workweek. This number of days should include all of your employment, even employment that is not covered by OPFL. For many people, a 5-day workweek is regular. Many other employees have workweeks as short as one day or as long as seven days. Depending on your regular workweek, OPFL will calculate how much to pay you in benefits for the part of the week you missed from work due to the qualifying event.

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**After receiving benefits on a continuous leave schedule that began in the middle of a week, you may not receive a full week's worth of benefits during the last week you want to take leave if you claim the full limit on the amount of leave you are allowed to take. If this happens, you may receive less than a full week's worth of benefits during your last week of Paid Family Leave leave.**

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**Example.** Let's take a 5-day, full-time Monday through Friday work week schedule. In this scenario, if you took 8 weeks of parental leave that started on a Thursday, you would receive 40% or 2/5 (two-fifths) of your weekly benefit for the first week, followed by 7 weeks of Paid Family Leave benefits. You would then receive 60% of 3/5 (three-fifths) of your weekly benefit the following week.



OPFL asks that you provide your most recent regular work week as your “regular work schedule.” The reason for this is that people’s work schedules change over the course of their careers, and a person’s average work schedule over a long period of time is not always the work schedule that matters most when they need to take time off from work for an event that qualifies for Paid Family Leave. What does matter is the schedule from which you will be leaving work.

However, it is also important to note that OPFL asks for your most recent *regular* week of working, not necessarily your most recent week of working. The reason for this is that not all weeks are regular. Some weeks you may be out sick. Some weeks have holidays in them. And some periods are slow at a job and require fewer hours of work. You and your employer are best informed about your regular work schedule, which is why OPFL asks you and your employer for this information. For more information, see the section on the “Regular Workweek” on page 36.



## Rules about Working While on Leave

When receiving benefits on a continuous leave schedule, you are not allowed to earn any income from working at your regular job during any of the weeks for which you are receiving Paid Family Leave benefits (except for the first and last weeks, if they are not full weeks). You must make sure that you are not working and receiving income for performing that work.

Answering a stray work email or even going in to the office for a quick visit to have your coworkers meet your newborn baby while you are out on leave are not necessarily examples of violating this rule. This is because, even though these could in some ways be considered “work,” you are not receiving income from your employer for performing these actions.

Also, some employees receive paid-leave benefits from their employers such as maternity or paternity leave, temporary disability pay, or sick pay. Receiving these kinds of benefits does not necessarily violate the rule on receiving income for working, either. As long as you are receiving these kinds of income from your employer due to the fact that you are out on leave and are definitely not performing work in order to receive these benefits, then you are allowed to receive them. For more information on receiving income and performing work while receiving Paid Family Leave benefits, see Chapter 5.



# Part-Time Leave

You can choose to receive your Paid Family Leave benefits on a part-time leave schedule, called “intermittent leave.” You may choose to do this when you plan to perform work and take leave during the same period of time. While receiving intermittent leave benefits, you can go to work on some days during a week and take leave for which Paid Family Leave benefits are payable on other days during that same week. You just cannot work and receive benefits on the same day of the week. You also cannot claim Paid Family Leave benefits for part of a day. OPFL will only pay benefits for full days. There are special rules for calculating your benefit amount when receiving benefits on an intermittent leave schedule, and there are special rules that limit how much you can work during a week you are receiving intermittent leave benefits.

## Benefit Amount

When receiving benefits on a part-time (intermittent) leave schedule, your Paid Family Leave benefits are based on a daily benefit amount, which is calculated from your weekly benefit amount. Your daily benefit amount is based on the number of days you regularly worked during your most recent regular workweek. When you apply for Paid Family Leave benefits on an intermittent leave schedule, you will be asked how many days of the week you regularly worked at all of your jobs, even those that may not be covered by Paid Family Leave (see the next section, “Regular Workweek”).

## Part-Time Benefit Amount Examples

### EXAMPLE 1

If you regularly work a five-day workweek, your daily benefit amount on intermittent leave will be  $\frac{1}{5}$  (one-fifth) of your Paid Family Leave weekly benefit amount. You would receive this amount for every day in a week you are on leave and are receiving Paid Family Leave benefits. If you are receiving benefits on an intermittent leave schedule and happen to be on leave for a full week due to your qualifying event, you would receive your full weekly benefit amount for that week ( $\frac{5}{5}$  (five fifths) of your weekly benefit amount).

### EXAMPLE 2

Another example would be if you work at two different part-time jobs. You work four days a week at one of the jobs, which is at an employer in DC who is covered by Paid Family Leave, and three days a week at the other one, which is at an employer in Maryland not covered by Paid Family Leave. You would have to tell OPFL in your application that you work seven days a week for two employers. If you want to receive intermittent leave benefits, your daily benefit amount would be  $\frac{1}{7}$  (one-seventh) of your weekly benefit amount. You would not be allowed to work at either the DC or the Maryland employer on any day during which you receive Paid Family Leave benefits.

## Regular Workweek

In order to make sure that you are receiving benefits that are right for you and your work schedule, OPFL will ask you for information about your regular workweek. OPFL will also ask your employer for this information. We need this information so that your daily benefit amount is based on the number of days you will be missing work. For your "regular workweek," you only have to choose a number of days per week; you do not need to say which specific days are in your regular workweek, like Monday or Wednesday. If you do not have a regular workweek because your work schedule changes often from week to week, you still need to choose a number of days per week to be your "regular" schedule while receiving Paid Family Leave benefits. If you do not tell OPFL what your regular work schedule is, OPFL will use a 5-day workweek for you. See the "Important Note" box on page 33, in the "Full-time Leave" section, for more information on choosing a regular work schedule.

Choosing a regular workweek is important because OPFL uses this information to calculate your daily benefit amount and to know how many days during a week you are allowed to work and receive Paid Family Leave benefits. You are not allowed to work and receive benefits on more days than are in your regular workweek (see the next section, "Rules about Working While on Leave").

If you clearly had a regular workweek before taking part-time (intermittent) leave, that schedule must be the one you use while receiving Paid Family Leave benefits. If no single number of days per week was "regular" for you because your work schedule changed often from week to week, you still must choose a number of days to be your regular schedule while on part-time (intermittent) leave. If you do have to choose a number of days as your regular workweek for Paid Family Leave, there are a few things you should consider when making your choice. Choosing a regular workweek with fewer days will give you a higher daily benefit amount. Choosing a regular workweek with too few days will not allow you to work very much during the weeks you receive Paid Family Leave benefits. For example, if your regular workweek is only 2 days, you will receive half of your weekly benefit amount for each day you are not working because of your qualifying event, but you will only be allowed to work one other day that week. Choosing a regular workweek with more days will allow you to work more during those weeks, but your daily benefit amount will be smaller. For example, if you choose a 7-day workweek and receive one day of Paid Family Leave benefits, you could work 6 other days that week, but you would only receive 1/7 of your weekly benefit amount for the day you took Paid Family Leave leave.

If your work schedule changes while receiving intermittent Paid Family Leave benefits, you are allowed to change your regular workweek. See the section "Changes in Your Work Schedule" on page 38.



## Rules about Working and Receiving Benefits

When receiving Paid Family Leave benefits on a part-time (intermittent) leave schedule, you are not allowed to work and receive benefits on more days than are in your regular workweek.

For example, if you regularly work five days per week, you could receive intermittent Paid Family Leave benefits on three days per week and work the other two days.

S	M	T	W	T	F	S
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	PFL	PFL	PFL	

But you would not be allowed to work your regular 5-day workweek on Monday through Friday and then receive 2 days of Paid Family Leave benefits on Saturday and Sunday because then you would be working and receiving benefits on 7 days per week when your regular workweek is only 5 days.

S	M	T	W	T	F	S
X	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	X

This rule applies even to employees who have work schedules that may change often from week to week. If you work three days on some weeks, five days other weeks, and seven days other weeks, you would have to pick one of those schedules to be your “regular” workweek while receiving intermittent Paid Family Leave benefits. If your work schedule changes during the period you are receiving Paid Family Leave benefits, you are allowed to tell OPFL that your schedule has changed and ask OPFL to change your regular workweek for your Paid Family Leave benefits. You are allowed to change your regular workweek one time per month during your claim. See the next section, “Changes in Your Work Schedule.”

The reason you cannot work and receive Paid Family Leave benefits on more days during a week than are in your regular workweek is because Paid Family Leave benefits are supposed to help you during times when you miss work due to your qualifying event. If you are able to change around your work schedule in order to take care of your qualifying event, then you do not need Paid Family Leave. Paid Family Leave benefits are for when you need to reduce the amount of

When receiving Paid Family Leave benefits on a part-time (intermittent) leave schedule, you are not allowed to work and receive benefits on more days during a week than are in your regular workweek.



time you can spend at work in order to take care of a qualifying event.

## Changes in Your Work Schedule

Part-time (intermittent) Paid Family Leave benefits can last for many calendar weeks in some cases. During this time, your work schedule may change because your employer has different needs or you simply want to make a change in your employment. If this happens, you are allowed to change your regular workweek with OPFL. To do this, you can use the online portal where you applied for benefits, or contact OPFL by mail, phone, or in person. You are allowed to change your regular workweek with OPFL one time per month, which means once every four weeks, during your claim.

If you change your regular workweek, your daily benefit amount will change and so will the limit on the number of days you can receive Paid Family Leave benefits during your claim. However,







the total dollar amount of benefits you could receive during your claim will not change.

## Changing Your Leave Schedule

When you first applied for benefits, you had to tell OPFL the dates for which you wanted to receive Paid Family Leave benefits. While you are still receiving those benefits on that schedule, you can choose to change the schedule on which you will receive Paid Family Leave benefits in the future. There are three changes you can make to your leave schedule:

1. **From full-time to part-time (continuous leave to intermittent leave)**
2. **From part-time to full-time (intermittent leave to continuous leave)**
3. **From one part-time (intermittent) leave schedule to another part-time (intermittent) leave schedule**

### From Full-Time to Part-Time

If you are receiving Paid Family Leave benefits on a full-time (continuous) leave schedule and want to go back to part-time work while still receiving benefits on some days, you can change your Paid Family Leave benefit schedule to do this. You will have to tell OPFL and your employer that you want to change to a part-time (intermittent) leave schedule and you will have to decide which days you will work and which days you will take leave. You will also have to tell OPFL what your regular work schedule is at the time you decide to go on to an intermittent leave schedule. You are allowed to make this change at most once a month, which means once every four weeks.

### From Part-Time to Full-Time

If you are on a part-time (intermittent) leave schedule and decide that you need to be off from work completely to care for your qualifying event, you can change to a full-time (continuous) leave schedule. By changing to a continuous leave schedule you will not be allowed to work during any week you receive continuous leave benefits (except for the last

week if it is not a full week of leave). You are allowed to make this change at most once a month, which means once every four weeks.

## From One Part-Time Leave Schedule to Another

When you first applied for benefits, you had to identify the dates for which you expected to be off from work to care for your qualifying event. If your needs change while you are receiving Paid Family Leave benefits on a part-time (intermittent) leave schedule, you can tell OPFL that you need to change the dates on which you will receive Paid Family Leave benefits. If possible, you should tell OPFL that you want to change the dates of your leave before you take leave for those days. In emergencies, you may be able to receive benefits for dates in the past. If you are receiving benefits for family leave or medical leave, you must have a medical reason for changing the dates of your leave. You may have to give to OPFL a form signed by your health care provider showing the dates on which you will need leave. A change in the date of a medical appointment is one reason that you may need to change the date of your leave. Whenever you make a change in your dates of leave you will have to tell your employer. OPFL will also let your employer know of your changed schedule. Unlike changes from full-time to part-time leave or from part-time to full-time leave, which can be made at most once a month, there is no limit on the number of changes you can make to the days for which intermittent leave benefits are payable.

If the date that you wanted to change is already in the past before you tell OPFL that you want to change the date, you must tell OPFL as soon as possible. If you went to work on a day that you were supposed to receive Paid Family Leave benefits, you will either have to pay those benefits back or have your future Paid Family Leave benefits reduced. If you were off from work on an unscheduled day because something happened related to the qualifying family or medical leave event for which you were approved for intermittent leave benefits, you may be able to receive intermittent leave benefits for that day. You must request benefits from OPFL as soon as possible, and you may have to include a note from a medical provider showing that an incident related to your qualifying event occurred. If you are receiving parental leave benefits, you will not be allowed to receive intermittent leave benefits for unscheduled past dates.



# Chapter 5

## **WHILE RECEIVING BENEFITS**

# Benefit Payments

Paid Family Leave benefits for which you have been approved will be paid every two weeks. When you applied for benefits, you were given the option to select one of two forms of payment: direct deposit to your bank account or a pre-paid debit card.

## What You Can Do While Receiving Benefits

### Work Within Limits

In some cases you are allowed to perform limited work while receiving Paid Family Leave benefits. There are two types of limits on the work you can perform:

1. [The kind of work](#)
2. [The days on which you can do the work](#)

#### Limits on the *kind* of work

While receiving Paid Family Leave benefits, you are not allowed to earn income by performing your “regular and customary work.” What this means is that on any day you are claiming Paid Family Leave benefits you cannot work at any of the jobs you held in the recent past. By “the recent past,” we mean:

- [During any of the five completed calendar quarters before you filed for your current Paid Family Leave benefits](#)
- [Any time during the calendar quarter in which you filed for your current Paid Family Leave benefits up to the date on which you filed for benefits](#)
- [At any time during your open Paid Family Leave claim you request changes to the length of leave or the leave schedule \(see the section below on “Making Changes to Your Claim”\)](#)

There is no limitation on working at a job that is not your “regular and customary work.”

#### Limits on *times* you can work

If you are receiving benefits on a full-time (continuous) leave schedule, you are not allowed to earn income by performing your regular work during any part of the weeks during which you are claiming Paid Family Leave benefits, except for the first and last weeks if they are not full weeks of work (see the section on “Full-Time Leave” in Chapter 4).

If you are receiving benefits on a part-time (intermittent) leave schedule, you are allowed to perform regular work on days for which you are not claiming Paid Family Leave benefits. However, you cannot work on any day for which you are claiming Paid Family Leave benefits. You cannot claim Paid Family Leave benefits for part of a day. OPFL will only pay benefits for full days.





## What Exactly Is “Work”?

In order to break the rule about working on a day for which you are receiving Paid Family Leave benefits, you have to do 2 things:

1. **Work at your regular job**
- AND**
2. **Get paid for working at your regular job**

If you do only one of these things you will not be breaking the rule. For example, if you answer a stray work email, take a phone call from a colleague, ask your HR Department a question, or even go in to the office to say hi while you are out on leave, you are not necessarily breaking the rule. This is because, even though these could in some ways be considered “work,” you are not receiving income from your employer for performing them. Similarly, some employees receive paid-leave benefits from their employers such as maternity or paternity leave, temporary disability pay, or sick pay. But just receiving these does not necessarily violate the rule either. This is because, even though you are receiving payment from your employer, you are not receiving this income because you did work. As long as you are receiving these kinds of income from your employer due to the fact that you are out on leave and are definitely not performing work in order to receive these benefits, then you are allowed to receive them.



## Receive Certain Other Benefits

While receiving Paid Family Leave benefits, you are allowed to receive some other kinds of benefits from other sources. There are limits on some kinds of benefits (see the next section), but most are allowed. For example, you are allowed to receive the following types of benefits while receiving Paid Family Leave benefits:

- Short-term disability insurance paid by your employer's insurance company
- Short-term disability insurance paid by your employer directly
- Short-term disability insurance paid by another source, such as your own insurance company
- Maternity leave paid by your employer directly or your employer's insurance company
- Paternity leave paid by your employer directly or your employer's insurance company
- Sick leave paid under your employer's regular sick leave plan for employees
- Sick leave paid by your employer's insurance company
- Sick leave paid by your employer that is required to be provided to you by another law such as the District of Columbia Accrued Sick and Safe Leave Act (ASSLA)
- Vacation time or other paid time off (PTO) paid by your employer

Although OPFL does not stop you from receiving these benefits, you should check with the company that is providing these benefits to you to make sure that receiving Paid Family Leave benefits does not break one of their rules for receiving their benefits.

## What You Cannot Do While Receiving Benefits

### Work at Your Regular Job

As explained in the section above, you are not allowed to earn income by performing your "regular and customary work" while receiving Paid Family Leave benefits. Please see the section above for these rules.

### What if I made a mistake?

If you worked at your regular job on a day you were supposed to be off of work receiving Paid Family Leave benefits, you should tell OPFL right away. You will have to repay the benefits for the days you worked, or you will have your future Paid Family Leave benefits reduced by that amount. You can contact OPFL using the online portal, by phone, or in person.

## Receive Some Kinds of Other Benefits

While there are many kinds of benefits that you are allowed to receive while receiving Paid Family Leave benefits (see the section on page 44), other kinds are not allowed. The kinds of benefits that you are not allowed to receive at the same time as Paid Family Leave benefits are:

- **Long-term disability benefits**
- **Unemployment compensation benefits**

Long-term disability benefits are those paid from insurance plans that are paid due to a disability that lasts more than 12 months or results in death. Social Security Disability Insurance (SSDI) is one example of long-term disability benefits. Permanent workers' compensation benefits are another.

Unemployment compensation benefits include those paid by DC.

If you are receiving either one of these kinds of benefits, you must tell OPFL right away.

## Receive Paid Family Leave Benefits for Different Leave Types on the Same Day

You are allowed to have more than one Paid Family Leave claim at any time. For example, you could be receiving intermittent Paid Family Leave benefits for a medical leave event on some days and be receiving intermittent Paid Family Leave benefits for a family leave event on other days of the same week. But you are not allowed to receive Paid Family Leave benefits for different qualifying events for the same day. OPFL should make sure that this does not happen.

## Wrongfully Receive Paid Family Leave Benefits

The purpose of Paid Family Leave benefits is to give you time away from work to take care of a qualifying event. While receiving benefits, you should take the time to do what needs to be done for your qualifying event. If you are receiving benefits for a medical leave event, you are either unable to work, attend school, or perform activities of daily living, or are attending medical appointments related to your qualifying event. If you are receiving benefits for a family leave event, you are doing so in order to provide care or companionship to a family member with a serious health condition. If your situation is otherwise, you may not be allowed to receive Paid Family Leave benefits. If you believe your qualifying event has ended while you are receiving Paid Family Leave benefits, you should contact OPFL right away and ask to end your benefits.



## Making Changes To Your Claim

While receiving Paid Family Leave benefits, you may need to make changes to your claim. There are three types of changes you can make to your Paid Family Leave claim:

1. [Request to change the benefit amount](#)
2. [Request to change how long the benefits will last](#)
3. [Request to change the leave schedule](#)

### Changes to Your Benefit Amount

In some cases, your income may have greatly changed during the time you have been receiving Paid Family Leave benefits. Most often, this would happen if you are receiving part-time (intermittent) Paid Family Leave benefits over a long period of time. You may have gotten a raise at work or even gotten a new job. Or simply the end of a quarter may mean that a new calendar quarter with your higher income will be used to calculate your benefit amount. If any of these things happened and your employer reported your new income to OPFL at the end of a calendar quarter, you may be eligible for a higher weekly benefit amount.

It is far more common for people's income to go down rather than up while receiving Paid Family Leave benefits. This is because people are working less in order to take care of a qualifying event, so their income that is reported to OPFL goes down. OPFL will not reduce your weekly benefit amount on a claim after you have been approved for benefits even if your income from work declines, unless there is a change in the reported wages that were used to calculate your benefit amount. But if you believe your income from work has increased since you started receiving Paid Family Leave benefits and that you are earning a higher income than your benefit amount reflects, you may want to consider ending your claim and submitting a new claim to take into account your new income. To end your claim and submit a new one, you can use the online portal or contact OPFL.

## Changes to the Length of Leave

Some things may happen during your Paid Family Leave claim that cause you to need more or less leave than you at first thought. Medical conditions may worsen or improve, or a family member may need more or less care. You can request that OPFL change the length of your leave claim to meet your needs. If you are receiving Paid Family Leave benefits for a medical or family leave event, you may need to send to OPFL new medical forms from your doctor showing that you need longer leave. If OPFL approves your request for longer or shorter leave, OPFL will also tell your employer about your new leave length.

If you are approved for a different length of leave during your claim, any work that you did between the date of your application for benefits and the date you were approved for a different length of leave will be considered "regular and customary" work for you. You will not be able to perform this work on the same day as you are receiving Paid Family Leave benefits. See the section "What You Can't Do While Receiving Benefits" on page 44.

## Changes to Your Leave Schedule

You may need to change the days or weeks on which you will claim Paid Family Leave benefits based on changes in your schedule. You can request that OPFL change your leave schedule. See the section on "Changing Your Leave Schedule" in Chapter 4. If OPFL approves your request for a different leave schedule, OPFL will also tell your employer about your new schedule.

If you are approved for a different leave schedule during your claim, any work that you did between the date of your application for benefits and the date you were approved for a different leave schedule will be considered "regular and customary" work for you. You will not be able to perform this work on the same day as you are receiving Paid Family Leave benefits. See the section "What You Can't Do While Receiving Benefits" on page 44.

## Job Protection

Receiving Paid Family Leave benefits does not mean that your job is protected while you are out on leave. Unlike some other laws dealing with leave from work, the Paid Family Leave program does not make sure that you can return to your job after your Paid Family Leave benefits end. However, your leave from work for an event that qualifies for Paid Family Leave may be covered by another law that does make sure you can return to your job after leave. The Family and Medical Leave Act (FMLA) and the District of Columbia Family and Medical Leave Act (DCFMLA) both protect employees from harmful employment actions while they are taking leave from work for a qualifying reason. If the leave for which you are receiving Paid Family Leave benefits qualifies for either FMLA or DCFMLA or both, you may be protected by those other laws while receiving Paid Family Leave benefits. For information on qualifying for FMLA, you can contact the U.S. Department of Labor's Wage and Hour Division at [www.dol.gov/whd/workers.htm](http://www.dol.gov/whd/workers.htm) For information on qualifying for DCFMLA, you can contact DC's Office of Human Rights at [www.ohr.dc.gov](http://www.ohr.dc.gov).

Although the Paid Family Leave program does not make sure that you can return to your job after taking leave, you are protected against actions taken by your employer that may affect your employment when those actions were taken because you received Paid Family Leave benefits. When these actions are harmful to you, they are called "retaliation." If you believe you have been retaliated against because you received Paid Family Leave benefits, you can contact DC's Office of Human Rights to file a discrimination complaint at [www.ohr.dc.gov/service/file-discrimination-complaint](http://www.ohr.dc.gov/service/file-discrimination-complaint). Also see Chapter 6, "Appeals and Disputes."





# Chapter 6

## **APPEALS AND DISPUTES**

## If You Disagree with OPFL'S Decision

If you disagree with a decision OPFL has made about your claim, you can ask for the decision to be reviewed. You can request a review on almost all matters that are related to your claim including:

- **Your weekly benefit amount**
- **The length of leave approved by OPFL**
- **The dates of leave approved by OPFL**
- **OPFL's denial of your claim**

If you want to have any of these things about your claim reviewed, you can request one of two types of review:

1. **An administrative appeal with the Office of Paid Family Leave**
2. **An appeal with the District of Columbia's Office of Administrative Hearings**

These two review options will be explained to you in every letter sent to you from OPFL regarding a decision OPFL has made about your claim. If you want to request either type of appeal, you can follow the instructions in the letter.

## If You Have Been Retaliated Against

The Paid Family Leave program does not provide job protection to you when you take leave and receive Paid Family Leave benefits. See the section on "Job Protection" in Chapter 5. However, you may be protected against actions related to your employment taken by your employer that are harmful to you if those actions were taken because you claimed Paid Family Leave benefits. When these harmful actions were taken because you applied for or claimed Paid Family Leave benefits, they are known as "retaliation." If you believe you have been retaliated against, you are allowed to file a complaint with DC's Office of Human Rights. You will not be able to file a complaint on these matters with OPFL. We will refer you to the Office of Human Rights, which receives complaints at the following web address: [www.ohr.dc.gov/service/file-discrimination-complaint](http://www.ohr.dc.gov/service/file-discrimination-complaint).



## Notes

[illegible]



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# Connect With Us

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