

dc paid family leave



Employee Frequently Asked Questions (FAQ)

1. Who is eligible for paid family leave?

- Employees of covered employers who spend more than 50% of their work time for that employer working in the District of Columbia during some or all of the 52 weeks immediately preceding a qualifying leave event; or
- Employees whose employment for a covered employer is based in the District of Columbia, and the employees spend a substantial amount of their work time for that employer in the District of Columbia and not more than 50% of their work time for that employer in another jurisdiction during some or all of the 52 weeks immediately preceding a qualifying leave event; or
- Self-employed individuals who have opted into the paid-leave program and earned self-employment income for work performed more than 50% of the time in the District of Columbia during some or all of the 52 weeks immediately preceding a qualifying leave event; and
- The individual must be employed by a covered employer at the time of application for paid-leave benefits and have had their wages reported.

2. What is a qualifying leave event?

- "Qualifying parental leave event" means events, including bonding, associated with:
 - The birth of an eligible individual's child;
 - The placement of a child with an eligible individual for adoption or foster care; or
 - The placement of a child with an eligible individual for whom the eligible individual legally assumes and discharges parental responsibility.
- "Qualifying family leave event" means the diagnosis or occurrence of a serious health condition of a family member of an eligible individual.
- "Qualifying medical leave event" means the diagnosis or occurrence of an eligible individual's own serious health condition.

3. When is an employee eligible to file a claim for paid family leave?

- Following the occurrence of a qualifying parental, family, or medical event, an eligible individual may file a claim for paid-leave benefits with the Office of Paid Family Leave.

4. Is there a time limit for filing a claim for paid family leave?

- Following the occurrence of a qualifying parental leave event, an eligible individual has up to 52 weeks to file a claim for paid-leave benefits.
- Following the occurrence of a qualifying family or medical leave event, an eligible individual has up to 90 days to file a claim for paid-leave benefits.

5. Are paid family leave benefits available to unemployed individuals?

- Eligible individuals must be employed at the time of application for paid-leave benefits.
- An individual receiving unemployment compensation benefits will not be eligible to receive benefits from the District's paid-leave program.

6. How are paid family leave benefits calculated?

- Paid-leave benefits are calculated based on an eligible individual's average weekly wage; the total wages in covered employment earned during the highest 4 out of 5 quarters (the base period) immediately preceding a qualifying event, divided by 52.
- A sample chart of paid-leave benefits is available [here](#).

7. What is the maximum amount of paid family leave benefits that I can receive?

- The current maximum weekly benefit amount is \$1,000.

8. What counts as a serious health condition?

- "Serious health condition" means a physical or mental illness, injury, or impairment that requires inpatient care in a hospital, hospice, or residential health care facility, or continuing treatment or supervision at home by a health care provider or other competent individual.

9. Are temporary or seasonal employees eligible for paid family leave benefits?

- A temporary or seasonal employee may be eligible for paid-leave benefits, depending on when their employer reports wages and when the employee experiences a qualifying event. For example, a covered employee working for a covered employer during the winter of 2019 who returns to covered employment during the winter of 2020 would potentially be eligible to receive paid-leave benefits. They would have wages reported in their base period, including the winter of 2019, and if they experienced a qualifying event while employed in the winter of 2020 they could file a claim with the Office of Paid Family Leave.

10. What happens if an employee has varying hours or varying shifts for their employment?

- When an employee has varying hours or shifts in covered employment, the average number of days worked per week in their base period will be used to calculate any benefit payments for partial weeks of leave.
- Paid-leave benefits for partial weeks of leave shall be calculated based on the weekly benefit amount divided by the average number of days worked per week during an eligible individual's base period. For example:
 - For a four (4) day average workweek and a one thousand dollar (\$1,000) weekly benefit amount, the daily benefit amount is two hundred and fifty dollars (\$250); and
 - For a three (3) day average workweek and a four hundred and fifty dollar (\$450) weekly benefit amount, the daily benefit amount is one hundred and fifty dollars (\$150)

11. What happens if an employee switches jobs?

- A change in employment does not impact an individual's eligibility for paid-leave benefits, provided that the new employment is for a covered employer.

12. Are employees who telework/telecommute eligible for paid family leave benefits?

- Yes, employees that telework/telecommute may be eligible for paid-leave benefits, provided that they spend more than 50% of their work time physically working in the District of Columbia for a covered employer that is based in the District.

13. What happens if I work for more than one employer?

- If an eligible individual has multiple sources of income, his or her wages may be combined to determine his or her average weekly wage. Only wages from covered employment will be used for this calculation, and the maximum weekly benefit amount remains in effect.

14. How does an employee request paid family leave?

- Following the occurrence of a qualifying leave event, an eligible individual may file a claim for paid-leave benefits with the Office of Paid Family Leave via the online portal.

15. Do I have to notify my employer that I intend to take paid family leave?

- Yes, an eligible individual shall provide written notice to their employer at least 10 days, or as early as possible, in advance of the paid leave. In the case of an emergency, the individual, or another individual on their behalf must notify the individual's employer, either orally or written, within 48 hours of the emergency occurring.

16. How long does it take to process a claim for paid family leave?

- Following the receipt of a claim for paid-leave benefits, the Office of Paid Family Leave will issue a determination to the applicant within 10 business days.

17. How soon will I receive benefit payments?

- If an individual is determined to be eligible to receive paid-leave benefits, the first payment will be received within 10 business days of the determination of eligibility.

18. Can an employee use paid time off while they are taking paid family leave?

- An individual's use of additional paid-leave benefits while receiving paid-leave benefits will be determined by the covered employer's established policies.

19. Can an employer require that an employee use paid time off instead of paid family leave?

- An employer's policy cannot diminish an individual's right to the District's paid-leave benefits.

20. How does paid family leave affect other leave and benefits policies?

- The District's paid-leave program does not supersede any law, collective bargaining agreement, or contract that provides paid-leave rights in addition to the rights established by the Paid Leave Act.
- If paid leave taken under the District's program also qualifies as protected leave under the Family and Medical Leave Act (FMLA), or the District's Family and Medical Leave Act (DCFMLA), the paid leave taken shall run concurrently with, and not in addition to, the leave taken under FMLA or DCFMLA.

21. Can paid family leave be taken intermittently?

- Yes, paid leave may be taken intermittently, and the leave must be taken in 1-day increments. For the purposes of the paid-leave program, 1-day means the average number of hours an eligible individual worked in a shift during their base period.

22. Can I receive paid family leave benefits while working part-time?

- Yes, an individual may be eligible to receive paid-leave benefits while working part-time, provided that the part-time work does not occur during the regular hours for which the leave is being taken.

23. Can I apply for parental leave during the adoption process prior to the formal placement of a child?

- A qualifying parental event begins after the formal placement of a child.

24. Can I take paid family leave to provide care to a family member who lives outside of the District or outside of the country?

- Yes, an individual can use paid leave to provide care to a family member who lives outside of the District or outside of the country, provided that the appropriate family leave claim documentation is provided.

25. Am I entitled to reinstatement while taking paid family leave?

- The Paid Leave Act provides protection from retaliation. Reinstatement protections are provided under the Family and Medical Leave Act or the DC Family and Medical Leave Act when applicable.
- A leave comparison chart is available [here](#).

26. Will I have to pay taxes on paid family leave benefits?

- If the District of Columbia and the Internal Revenue Service determine that paid-leave benefits are subject to taxation, an applicant may elect to have income tax withheld from the applicant's payments of paid-leave benefits.