

FOR MEDICAL PROVIDERS

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# Leave & Benefits for Patients and Their Caregiving Family Members Who Work in D.C.

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2024



Welcome to this webinar for medical providers with patients and caregiving family members who work in the District of Columbia. My name is Nikola Nable-Juris and on behalf of First Shift Justice Project, I look forward to sharing information with you about how your patients and their caregiving family members can receive job-protected leave and benefits in the District of Columbia when your patient has a serious health condition.

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# ABOUT FIRST SHIFT

First Shift Justice Project empowers workers to exercise their rights related to pregnancy, illness, and caregiving.

We provide free services to workers in the DMV, ranging from one-time consultations to full representation.



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First Shift Justice Project empowers workers to assert their workplace rights.

First Shift provides free counseling and legal support to workers related to pregnancy, illness, and caregiving, ranging from one-time consultations to full representation. We also support medical providers with free consultations and trainings.

Today's presentation is informational and is not legal advice. We encourage you to contact First Shift by phone or email for support as every situation is different.

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# Job-Protected Leave and Monetary Benefits for Patients with a Serious Health Condition

## KEY TAKEAWAYS



WHAT is job-protected  
leave?



WHAT are monetary  
benefits?



HOW can you support your  
working patients?

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From this presentation, you will learn:

- what is job protected leave,
- what are monetary benefits, and
- how can you support your working patients?

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# The Rights of D.C. Workers



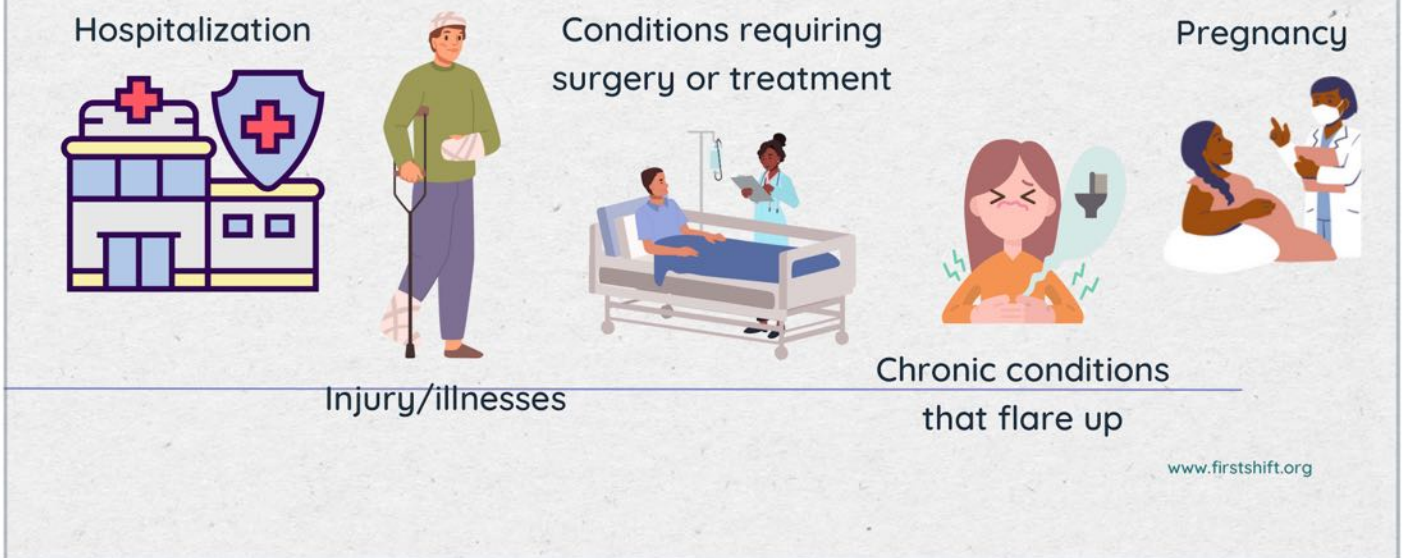
This presentation addresses the rights of people who work in the District of Columbia. A worker's rights depend on where they WORK. Your patients who work in D.C. have rights under D.C. law even if they live in another state or you provide medical care in another state.

If your patient has a caregiving relative who works in D.C., you might be asked to fill out a form for the D.C. government even if you provide medical care nowhere near Washington, D.C.

Employers might have their own leave policies that are more generous than the law provides, but this presentation is specifically about workers' rights under D.C. and federal law. Frequently workers in low-wage jobs only have access to what the law provides and not more.

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## What is considered a serious health condition?



D.C. workers may be eligible for job-protected leave and monetary benefits when they or a family member have a serious health condition.

The D.C. government has a broad definition of what is a serious health condition. Here are some examples:

- Any condition that made your patient spend one or more days in the hospital or a treatment center (such as for an infection or severe injury);
- Illnesses or injuries where your patient can't go to work or school for more than three days or they need ongoing care by a medical provider (such as a broken bone or a disease with an ongoing recovery);
- Any condition that requires surgery or treatment from a medical provider (such as chemotherapy or reparative surgery);
- Chronic conditions that require medical care and your patient sometimes can't work or go to school (like a flare up of diabetes or depression); and
- Pregnancy. If your patient is pregnant, please see further resources on the First Shift resources page.

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## When can patients and caregivers receive leave and benefits for a serious health condition?



Recovery



Treatments



Appointments  
with medical  
providers



Therapy

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If your patient has a serious health condition, there are several different situations when they and their caregiving family member can receive benefits.

Examples include when your patient or their caregiving family member miss work:

- to recover from or care for a family member recovering from an illness or injury;
- to receive ongoing treatments for an injury or illness or take a family member to treatment;
- to attend regular appointments or counseling sessions related to their condition or bring a family member to these appointments; and
- to attend therapy appointments or bring a family member to these appointments.

It's important to note that patients cannot receive paid family leave benefits when they miss work for regular or preventative medical appointments, like annual well visits or dental cleanings. They may be able to receive paid sick days for these appointments. They can receive paid family leave benefits if these appointments are related to an underlying health condition.

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# Who is considered a caregiving “family member”?

Spouse/Partner



Child

Parent



Sibling

Grandparent



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Your patient might have a partner or family member who is supporting them with their medical needs. If these family members work in D.C., they might be eligible for job-protected leave and paid family leave benefits as a caregiving family member.

If so, your patient might ask you to provide documentation for their family member's employer or fill out a medical certification form to apply for paid family leave benefits.

If your patient asks you to complete leave or benefits paperwork for their caregiving family member, the most important thing for you to document is that your patient is in need of some type of care. Their employer and the D.C. government will determine if the caregiving family member is eligible for leave and benefits based on their family relationship, or you can suggest that your patient call First Shift if they have questions about their family member's eligibility.

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## WORKERS NEED BOTH



**JOB-PROTECTED  
LEAVE**



**MONETARY  
BENEFITS**

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When your patient or their caregiving family member misses work, at least two things are critically important.

**FIRST**, workers need job-protected leave. This means that when they or their family member is better, they can return to work and still have a job! Laws that provide workers job-protected leave make sure that workers don't get fired for missing work.

**SECOND**, workers need monetary benefits. This means that they need some sort of money or income in order to pay bills! Laws and workplace policies that provide benefits make sure workers have some sort of income while they miss work.

Because the laws giving workers these two rights are different, but related, medical providers often need to fill out more than one form or write different medical certification notes for their patients to exercise their rights. Providers might also be asked for additional documentation if a workplace provides benefits beyond a worker's basic legal rights.

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# What is JOB-PROTECTED LEAVE?

An employer holds a worker's same job (or an equivalent one) for them when they come back to work.

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Job-protected leave means that a worker's employer must hold their job for them when they get back from time time away--or a position that is equivalent to the position they were in before they left.

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# How are patients & caregivers eligible for job-protected leave?

## Federal FMLA

12+ months of work  
~24 hrs/wk (1,250 hrs/yr)  
50+ employees  
**=12 weeks unpaid leave every year**

## D.C. FMLA

12+ months of work  
~19 hrs/wk (1,000/yr)  
20+ employees  
**=16 weeks unpaid medical leave & 16 weeks unpaid family leave every 2 years**



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Many people refer to the FMLA, or the Family Medical Leave Act, when taking time off work. As medical providers, you don't have to know the specifics of these laws, but it's important to recognize that this leave is UNPAID, and that many of your patients may not be eligible to take this leave.

For both of these laws, there are eligibility exclusions based on the size of the worker's employer, length of time they've worked there, and the number of hours per week they work. If workers are eligible for leave under both of these laws, the leave periods run at the same time (meaning that workers would get a total of 16 weeks of unpaid leave).

Many workers don't fit these criteria-- such as people who work for small businesses, people working several part-time jobs, or people who recently changed to a new job in the past year.

Even if your patient or their caregiving family member is eligible for leave under the FMLA, this leave is UNPAID. Unpaid leave is still important because it means a workplace must hold the worker's job.

If your patient is pregnant, they have additional legal rights. Please refer to First Shift's resources for medical providers of pregnant patients or contact us for support.

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## Sources for Monetary Benefits for Patients:

- D.C. government's paid family leave benefits
- Sick time
- Vacation time
- Paid time off (PTO)
- Short-term disability benefits



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There are several sources for monetary benefits to replace worker's wages when they miss work. Paid family leave benefits, which are paid by the D.C. government, are most important for workers in low-wage jobs because their employers often do not provide additional benefits. Paid family leave benefits can be combined with other benefits an employer might offer, like short-term disability insurance benefits or paid time off.

D.C. law requires employers to give workers 3 to 7 paid sick days, depending on how many employees work at the company. These sick days are for short-term illnesses, like colds, or medical appointments, including preventative care, but the amount is extraordinarily limited for most workers in low-wage jobs.

Employers can also choose to provide more paid time off, through policies like sick time, vacation time, and paid time off (or "PTO".)

For ongoing conditions, some workers may also have access to short-term disability benefits. These only replace a portion of their salary, typically around 60%, and may have various waiting periods or exclusionary criteria.

Your patients and their caregiving family members might need medical notes or certification forms for their employer or an insurance company to access these benefits.

While these notes and forms might feel repetitive, they serve different purposes.

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# What are D.C.'s Paid Family Leave Benefits?

Money from the government that replaces your patient's or caregiving family member's paycheck when they're not working.

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D.C.'s paid family leave benefits are monetary payments from the government that a patient or caregiving family member can receive while they miss work in order to replace the paychecks they would have received if they were working.

These benefits are intended for when workers have a serious or severe illness or injury. Benefits can replace up to 90% of your patient's or their family member's salary. It's important that they apply for benefits as soon as possible, because there are limitations to receiving benefits for past dates.

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# Medical Provider Certification



**dc paid family leave** FAMILY LEAVE MEDICAL CERTIFICATION FORM (PFL-FMC)

**INSTRUCTIONS FOR CLAIMANT:**

Use this form to file for Family Leave benefits with the DC Office of Paid Family Leave. This form is used to determine whether your family member has a "serious health condition" as defined by DC's Paid Family Leave law and whether your family member requires your care or companionship. You must complete part 1 of the form, which asks for information about you (the claimant) and your family member. The doctor or licensed health care provider who is treating your family member must complete part 2 of the form. You may complete the filing process for Family Leave benefits only after this form is completed and signed by your family member's doctor.

You must submit this form using the online Paid Family Leave benefits portal available at [doh.dc.gov](https://doh.dc.gov). The system will ask you to upload this form during the claim filing process. Please ensure that the health care provider completes all sections of part 2 or your claim may be denied.

**PART 1 (To be completed by the claimant before part 2)**

Last Name	First Name	Middle Name
Date of Birth (MM/DD/YYYY)		

**INFORMATION ABOUT THE CARE TO BE PROVIDED TO CLAIMANT'S FAMILY MEMBER**

Name of the family member for whom the claimant will provide care	Last Name	First Name	Middle Name
Relationship of family member to claimant			
Describe the nature of the care or companionship the claimant will provide to the family member.			

I certify that the information I have provided on this form is true and complete.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**dc paid family leave** MEDICAL LEAVE MEDICAL CERTIFICATION FORM (PFL-MMC)

**INSTRUCTIONS FOR CLAIMANT:**

Use this form to file for Medical Leave benefits with the DC Office of Paid Family Leave. This form is used to determine whether you have a "serious health condition" as defined by the DC Paid Family Leave law. You must complete section 1 of the form. Your doctor or licensed health care provider must complete section 2 of the form. You may complete the filing process for Medical Leave benefits only after this form is completed and signed by your doctor. Please ensure that your health care provider completes all sections of the form or your claim may be denied.

Using the online Paid Family Leave benefits portal available at [doh.dc.gov](https://doh.dc.gov), you will be prompted by the system to upload this form at the appropriate place in the filing process.

**SECTION 1 (To be completed by the claimant)**

Last Name	First Name	Middle Name
Date of Birth (MM/DD/YYYY)		Social Security Number or Individual Tax Identification Number (ITIN)

**SECTION 2 (To be completed by the licensed health care provider)**

**INSTRUCTIONS FOR HEALTH CARE PROVIDER:**

Your patient is requesting Paid Family Leave benefits from the District of Columbia. The purpose of this form is to determine whether your patient is eligible for Medical Leave benefits under the DC Paid Family Leave law. Please complete Parts A, B, and C. Limit your responses to the medical condition(s) for which your patient is seeking Paid Family Leave benefits. Please complete all sections of the form or it will be returned to you for more information.

**A. HEALTH CARE PROVIDER INFORMATION**

All fields are required, except where noted.

Last Name	First Name	Middle Name
Mailing Address	Street	City
State	Zip code	

You need to complete this form BEFORE your patient or their family member can apply for benefits!

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Your patient or their caregiving family member needs you to complete a medical certification form BEFORE they are able to apply for benefits. Their benefits might be delayed or denied if they wait too long to apply. Workers can't get benefits for leave taken more than 30 days before their application.

Often patients and their families are juggling a variety of demands when facing serious health needs, so they might not realize how important this form is right away or they might appear impatient for you to complete it so they can apply for benefits.

If you have questions or would like support completing this form, please contact First Shift for support.

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# Medical Provider Certification

- Your contact information, specialty, and license number
- Patient's diagnosis (with ICD-10 code)
- Diagnosis date (or date of most recent onset)
- Brief information about the type of condition
- Whether ongoing treatment is needed
- Tentative return-to-work or end-of-caregiving date
- For family caregivers, describing the care that is needed

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You will be asked to provide the following key information on the medical certification form for D.C.'s paid family leave benefits:

- your contact information, medical specialty, and license number;
- the patient's diagnosis (including the ICD-10 code);
- the patient's diagnosis date (or the date of the most recent onset of their condition, in the case of chronic conditions);
- brief information about the type of condition your patient has;
- whether your patient needs ongoing treatment;
- a tentative date when your patient can return to work or will no longer need family caregiving; and
- for caregiving family members, describing the care that is needed.

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## Both Job-Protected Leave and Monetary Benefits are Critical!



A reminder that it's critically important for your patients and their caregivers to have BOTH job-protected leave AND monetary benefits-- but it's very possible that the laws would provide them with one and not the other.

Even if an employer holds a your patient's job, it doesn't help if they can't pay bills without a paycheck. And if they receive benefits from the D.C. government when they miss work, that doesn't help if they were fired while they were away from work.

This is why patients may ask you to fill out multiple forms or write multiple medical certification notes that seem similar at different times during your care. Often they are navigating this process with their employer, the D.C. government, and sometimes an insurance company, so while forms and letters might seem repetitive, they are used for different purposes.

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## First Shift can support your patients!

- When they plan to miss work for medical appointments, procedures, or treatments
- When they unexpectedly miss work for health reasons
- When their employer treats them unfairly for pregnancy, health, or family caregiving reasons



intake@firstshift.org  
(202) 644-9043  
[firstshift.org/get-legal-help](https://firstshift.org/get-legal-help)

All clients receive a free consultation. Long-term services typically limited to those at or below 300% of the federal poverty level.



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First Shift is available to support your patients for free!

First Shift can help your patients in many situations, including:

- when they plan to miss work for medical appointments, procedures, or treatments;
- when they unexpectedly miss work for health reasons; and
- when their employer treats them unfairly at work due to pregnancy, health, or family caregiving reasons.

Your patients can contact us at [intake@firstshift.org](mailto:intake@firstshift.org), call our intake line at 202-644-9043, or fill out our web intake form.

All clients receive a free consultation. Long-term services are typically limited to those at or below 300% of the federal poverty level.

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QUESTIONS?

CONTACT FIRST SHIFT!

Email: [intake@firstshift.org](mailto:intake@firstshift.org)

(202) 644-9043



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Thank you so much for learning more about how to support your patients and their caregiving family members when they need job-protected leave and monetary benefits! We hope this information is helpful to you.

If you have questions or would like support from First Shift about your patient's specific situation, please contact us!

Email at [intake@firstshift.org](mailto:intake@firstshift.org) or call our intake line at 202-644-9043.

Thank you and please watch our other webinars for more information!

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