
D.C. Paid Family Leave Benefits when you have a Serious Health Condition

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Welcome to this webinar for workers 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 D.C. paid family leave benefits when you have 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, email, or via our online form for legal help as every situation is different.

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Paid Family Leave Benefits for Workers with a Serious Health Condition

KEY TAKEAWAYS

- ★ WHAT are paid family leave benefits?
- ★ WHEN are you eligible to receive them?
- ★ HOW can you apply for them?

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From this presentation, you will learn:

- what are paid family leave benefits,
- when are you eligible to receive them, and
- how can you apply for them?

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The Rights of D.C. Workers



First, your workplace rights depend on where you WORK, not where you live or where you receive medical treatment.

This presentation addresses the rights of people who work in the District of Columbia. People who work in D.C. have rights under D.C. law even if they live or receive medical care in Maryland or Virginia.

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WORKERS NEED BOTH



**JOB-PROTECTED
LEAVE**



**MONETARY
BENEFITS**

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People miss work-- whether because they are sick, were injured in an accident, or because they have medical appointments.

When someone misses work, at least two things are critically important.

FIRST, as a worker, you need job-protected leave. This means that when you are better, you can come back to work and still have a job! Laws that provide job-protected leave ensure that you don't get fired for missing work.

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

This presentation assumes you have already received permission from your employer to take job-protected leave. Call a First Shift lawyer for a free consult or check out our resources page to learn more about job-protected leave.

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Sources for Monetary Benefits:

- 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 your wages when you miss work. Paid family leave benefits, which are paid by the D.C. government, are the focus of this presentation. They can be combined with other benefits your employer might offer. For example, you can apply for paid family leave benefits even if you are applying for short-term disability benefits or paid time off.

Employers are required to give you a certain number of paid sick days depending on how many employees work at the company.

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

If you expect to be out for several weeks or more with an ongoing condition, some workers may also have access to short-term disability benefits. These only replace a portion of your salary, typically around 60%, and may have various waiting periods or exclusionary criteria.

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D.C. Paid Sick Days

- Can use to recover from a health condition or go to medical appointments
- 3-7 paid days per year depending on employer's size
- Gives worker job-protected leave
- Tell your employer 10 days in advance or as soon as possible

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D.C. has a law requiring employers to provide paid sick time, but it's extraordinarily limited.

Workers can take a paid sick day to recover from a health condition or go to a medical appointment.

The law requires employers to give 3 to 7 paid sick days per year, depending on how big the business is. Your job is protected when you take a paid sick day, meaning your employer can't fire you for missing work.

You should tell your employer ten days in advance, or as soon as possible in unexpected situations.

For workers with serious health conditions, these days are often used up quickly.

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

Money from the government that replaces your paycheck when you're not working.

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D.C.'s paid family leave benefits are monetary payments from the government you can receive while you miss work in order to replace the paychecks you would have received if you were working.

These benefits only replace your wages-- they do not provide job protection. It's important that you make sure you have legal rights to job protection, like under the federal or D.C. Family Medical Leave Act. Contact a First Shift lawyer to answer questions about job protection.

Paid family leave benefits are intended for when you have a serious or severe illness or injury. For example, if you have cancer or need surgery, paid family leave benefits are most appropriate. For a minor illness like a cold or strep throat, you might be entitled to paid sick days from your employer. Call First Shift to learn more.

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What is considered a serious health condition?

Hospitalization



Injury/illnesses

Conditions requiring surgery or treatment



Chronic conditions that flare up



Pregnancy



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

- Any condition that made you spend one or more days in the hospital or a treatment center (such as for an infection or severe injury);
- Illnesses or injuries where you can't go to work for more than three days or you need ongoing care by a medical provider (such as a broken bone or a disease with a long 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 you sometimes can't work (like a flare up of diabetes or depression); and
- Pregnancy. For questions about pregnancy and paid family leave benefits, check out First Shift's resources page or contact us for a free consultation.

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When can you receive PFL benefits for a serious health condition?



Recovery



Treatments



Appointments
with medical
providers



Therapy

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If you have a serious health condition, there are several different situations when you can receive these benefits.

Examples include when you miss work:

- to recover from your illness or injury;
- to receive ongoing treatments for your injury or illness;
- to attend regular appointments or counseling sessions related to your condition; and
- to attend therapy appointments.

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

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Medical Provider Certification



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 docs.pflbas.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 (MMDDYYYY)		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

Your medical provider **MUST** fill out this form before you apply for benefits!

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In order to apply for paid family leave benefits, your medical provider **MUST** fill out a medical certification form. A medical provider is any licensed health care provider treating you. Sometimes it can be hard to get in touch with your medical provider or they take a long time to complete paperwork, so ask as soon as you can.

For unexpected illnesses or injuries, ask your medical provider to complete the form as soon as possible. Your benefits might be delayed or denied if you wait too long to apply.

For chronic conditions, talk with your medical provider about completing a form periodically if you are having regular flare ups and are intermittently applying for benefits.

You will likely need additional documentation to make sure your employer holds your job for you.

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How do you apply for D.C. Paid Family Leave BENEFITS?



- Tell your employer at least 10 days before missing work or as soon as you can.
- Your medical provider must complete a medical certification form.
- Your employer must provide you information about paid family leave benefits, but the D.C. government decides if you receive benefits and in what amount.
- You can combine benefits from the D.C. government and your employer.
- Apply to the D.C.'s Office of Paid Family Leave AFTER you have a reason to miss work and BEFORE you take time off (or within 30 days of missing work).
- You can only receive PFL benefits by the day (not by the hour).

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Here are some helpful tips for applying for D.C. paid family leave benefits:

Notify your employer at least 10 days before you miss work or as soon as possible.

You will need your medical provider to complete forms. This will be different than the medical forms you need for job-protected leave.

Your employer must provide information about paid family leave benefits to you, but the D.C. government decides if you receive them and in what amount.

You can combine benefits from the government and your employer.

Apply to the D.C. government's Office of Paid Family Leave AFTER you have a reason to miss work and BEFORE you take time off. If you are already on leave, apply as soon as possible, because you can't get benefits for leave taken more than 30 days before your application.

You may be allowed to take job-protected leave by the HOUR (like for medical appointments), but you can only receive paid family leave benefits by the DAY.

For more details, check out First Shift's resources page with information about applying for benefits.

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D.C. Paid Family Leave Benefit Payments

- You will receive benefits about 1-4 weeks after you miss work and apply for benefits.
- Benefits may replace up to 90% of your salary.
- Payment schedule is every other week.
- Benefits are paid by direct deposit into your bank account or through a pre-paid debit card.



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You will receive benefit payments approximately 1 to 4 weeks after you missed work and apply for benefits.

Paid family leave benefits may replace up to 90% of your salary. It's possible that you might receive less than 90% of your salary because there is a cap to the benefits amount (which changes annually).

The paid family leave benefits payment schedule is every other week. This schedule might be different than or behind your usual paycheck.

You can choose to receive these benefits either through direct deposit into your bank account or through a pre-paid debit card.

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Questions First Shift staff might ask you when you call:

- What is the general reason you are missing work?
- For how long do you plan to miss work?
- How long have you worked in D.C.?
- How many hours per week do you work in D.C.?
- How long have you received your current salary?
- Have you received paid family leave benefits before?



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Each situation is different. Here are some questions a First Shift staff member might ask you to determine if you are eligible for D.C. paid family leave benefits and how much you will receive.

What is the general reason you are missing work?

For how long do you plan to miss work?

How long have you worked in D.C.?

How many hours per week do you work in D.C.?

How long have you received your current salary?

Have you received paid family leave benefits before?

A First Shift lawyer can also help you determine if you are eligible for job-protected leave.

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Both Job-Protected Leave and Monetary Benefits are Critical!



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

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

Every situation is different. Contact First Shift Justice Project to speak with a lawyer about your situation.

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QUESTIONS?

CONTACT FIRST SHIFT!

Email: intake@firstshift.org

(202) 644-9043

www.firstshift.org/get-legal-help



Thank you so much for learning more about paid family leave benefits when you have a serious health condition. We hope this information is helpful to you if you work in D.C.

If you have questions or would like legal advice from First Shift about your specific situation, please contact us!

Email at intake@firstshift.org, call our intake line at 202-644-9043, or fill out our web intake form.

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

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