



Helping working families make it work.

Know Your Rights: Job-Protected Leave

Federal Law (Applies to People Employed in All States)

Time off while pregnant or to bond with a new baby: Under the federal *Family and Medical Leave Act*, an eligible employee can take **12 weeks of unpaid leave** in a 12-month period:

- To bond with a new child (birth, adoption or placement);
- To care for a seriously ill family member; or
- To recover from a serious health condition rendering you unable to work, including pregnancy.

Mothers can use leave for prenatal care, issues such as morning sickness, or continuing care after child is born.

You are an eligible employee if:

- Your employer has 50 or more employees OR you work for a public agency OR you work for a private or public elementary or secondary school; and
- You worked for at least 12 months; and
- You worked for at least 1,250 hours in the last year (about 24 hours per week).

Job protection: At the end of your leave, you are entitled to return to the same or an equivalent position.

*You should provide notice at least 30 days before you need leave or as early as possible. If your employer requests medical certification, you have 15 days to provide it.

District of Columbia

Time off while pregnant or to bond with a new baby: Under the *D.C. Family and Medical Leave Act (D.C. FMLA)*, an eligible employee can take **16 weeks of unpaid leave** in a 24-month period to bond with a new child (birth, adoption, placement) and **16 weeks of unpaid leave** in a 24-month period:

- To care for a seriously ill family member; or
- To recover from a serious health condition rendering you unable to work, including pregnancy.

You are an eligible employee if:

- Your employer has 20 or more employees,
- You have worked for at least 12 months (without a break), and
- You have worked for at least 1,000 hours (about 19 hours/week);

Job protection: At the end of your leave, you are entitled to return to the same or an equivalent position.

Note: If you are not eligible for leave under the *D.C. FMLA*, you can still take job-protected time off to recover from childbirth under *D.C.'s Protecting Pregnant Workers Fairness Act*.

Paid Leave Insurance: Under the *D.C. Universal Paid Family Leave Act*, you can receive up to **8 weeks of pay** to bond with a new baby, up to **6 weeks of pay** to care for a family member and **2 weeks of pay** to care for one's own serious health condition. You are an eligible employee if +50% of your work time is in D.C. The wage replacement rate depends on your income, and some may be eligible for 90% of their regular pay. **Note:** **These benefits will be available in July 2020.**

Time off if you are sick or dealing with domestic violence: You have the right to **3-7 days of paid sick leave** under the *DC Accrued Sick and Safe Leave Act* if:

- You are sick, need to go to the doctor, or have to care for your child (including check-ups); or,
- If you need to obtain care or services related to stalking, domestic violence or sexual assault.

Time off for school-related activities: You can take up to **24 hours of unpaid leave** under the *DC Parental Leave Act* if you need to attend school related activities for your child, such as a parent-teacher conference, meeting with a social worker or counselor, concert, play, sporting event, etc.

* You should provide notice of your need to take leave as early as possible and in a manner consistent with your employer's policies. If leave is for more than 3 days, your employer may require medical certification.

Maryland

Leave to bond with a new child: If you have a new child and are not covered by federal law, you can take 6 weeks of unpaid leave under the *Maryland Parental Leave Act*.

You are an eligible employee if:

- Your employer has 15-49 employees;
- You worked for at least 12 months; and
- You worked at least 1,250 hours in that time.

Under the *Maryland Healthy Working Families Act (MD HWFA)*, employers with 15 + employees must provide **at least 40 hours of paid leave** to parents taking leave to bond with a new child. *Employees in Montgomery County may receive up to 56 hours of paid leave per year.

Time off if you are sick or you have to care for your child (including check-ups): Under the *MD HWFA*, if you work for an employer with 15+ employees you can take 40 hours of paid leave to care for yourself or your child. If you work for a smaller employer, the leave is unpaid. *Employees in Montgomery County may receive up to 56 hours of paid leave per year, depending on employer size.

Time off to deal with domestic violence or similar issues: If you need to obtain services related to stalking, domestic violence, or sexual abuse, you can take 40 hours of paid or unpaid leave. Under the *MD HWFA*, if you work for an employer with 15+ employees the leave is paid. If you work for a smaller employer, the leave is unpaid. *Employees in Montgomery County may receive up to 56 hours of paid leave per year, depending on the size of the employer.

* You should provide notice of your need to take leave as early as possible and in a manner consistent with your employer's policies. If leave is for more than 2 shifts, your employer may require medical certification.

Virginia

Federal law applies. There is no specific Virginia law that provides a right for leave.

Your employer cannot fire or discriminate against you at work because of your pregnancy or because you need to take leave. Need Legal Assistance? First Shift Justice Project can advise you on these issues for free.

Please contact us at 240-241-0897 or intake@firstshift.org.