



September 24, 2021

DC Paid Family and Medical Leave Expanded Benefits as of October 1, 2021

Updates

The DC Council passed legislation that significantly expands the DC Paid Family Leave program. These changes go into effect on October 1, 2021 – and could benefit you and your family!

Overview of DC Paid Family Leave

- The DC Paid Family Leave program provides paid time off when you need it most, so you don't have to choose between caring for yourself or your loved one and your job.
- Paid Family Leave provides employees with benefits when you are out on leave from work to bond with a new child, take care of a family member, or take care of your own serious health condition.
- Paid Family Leave covers a portion of your paycheck.
- Paid Family Leave is a government administered insurance program, which means that only employees who have worked in a covered job can receive benefits and only when they experience a qualifying event. Employers contribute to the program on behalf of their employees by paying a tax.

Expanded Benefits

1. Medical leave benefits are expanded from a maximum of 2 to 6 weeks

- Medical leave is for workers to take paid time off for their own medical needs
- This change is for Fiscal Year 2022 (Oct. 1, 2021 – Oct. 1, 2022)

2. Prenatal leave benefits were added as a new benefit: a maximum of 2 weeks for doctors' appointments and pregnancy-related complications

- Prenatal leave is in addition to parental leave, available after the baby is born
- People eligible for prenatal leave benefits as of October 1, 2021 can apply for them on or after February 18, 2022, and benefits will be paid retroactively. (This is because of a delay in implementation.)

3. The legislation also lays out a plan to expand paid family & medical leave benefits in the future – up to 12 weeks each for parental, family, and medical leave – depending on how much money is in the DC Paid Family Leave fund and the Chief Financial Officer's future projections.

Benefits as of October 1, 2021

As of October 1, 2021, the maximum amount of each type of paid leave benefit within a one-year period will be:

- 8 weeks of parental leave to bond with a new child

- 6 weeks of family leave to care for a family member with a serious health condition
- 6 weeks of medical leave to care for your own serious health condition
- 2 weeks of prenatal leave

Expanded Access

Additional changes will help allow workers to take the paid leave they are entitled to:

1. There will now be stronger job protection for people who were laid off during the pandemic and returned to work for the same employer. Under the federal Family and Medical Leave Act (FMLA), employees must have worked for their employer for 12 months to be eligible for paid leave. Those months can be interrupted by periods of layoff, as long as all 12 months were worked over the last 7 years. Until now, the DCFMLA required the 12 months to be an uninterrupted year, but now the DCFMLA requirement is the same as the federal requirement.

2. There will no longer be a 7-day waiting period before a worker can access benefits

- The waiting week restarts on July 25, 2022 (one year after the end of the Public Health Emergency)

3. Workers can now apply for benefits retroactively - within 30 days of when the qualifying leave event occurred.

- You can apply to receive benefits for qualified leave you have taken in the 30 days before your application

- After 30 days, you have to show “exigent circumstances” in order to get benefits for leave that you already took.

4. DC Paid Family Leave will expand the period of reported wages used to determine benefits. As of October 1, 2021, the program will calculate benefits based on the highest 4 quarters of income over the past 10 quarters (instead of the past 5 quarters). This means that workers who lost income during the pandemic can still receive paid leave benefits.

- The look-back period will revert to 5 quarters on July 25, 2022 (one year after the end of the Public Health Emergency)
- If you file a claim between October 1st and November 5th, 2021, any additional benefits owed because of this expanded look-back will be paid after November 5th (because of a delay in implementation).

If you have questions about paid family & medical leave benefits in DC, contact First Shift Justice Project at intake@firstshift.org; 202-644-9043; or complete the online intake form at <https://www.firstshift.org/get-legal-help>. First Shift Justice Project can help you apply for benefits or appeal if you were denied benefits.

For more information about the DC Paid Leave Campaign, visit: <https://www.dcpaidfamilyleave.org>

You can also find more information about DC Paid Family Leave on the Department of Employment Services website: <https://does.dc.gov/page/dc-paid-family-leave>