

Attachment 9: Questions and Answers (Q&A)

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Q1 What is the Paid Family Leave (PFL) Program?

A1 The PFL program provides eligible District government employees up to eight (8) workweeks of paid family leave within a twelve (12) month period for the birth or placement of a child with an employee or to care for a family member with a serious health condition.

Q2 Who is eligible to take advantage of the PFL program?

A2 District government employees who experience a “qualifying event” and are neither temporary (appointed for less than 90 days) nor works on an intermittent appointment are eligible to take advantage of PFL.

Q3 Can an employee be denied PFL?

A3 Yes. If an employee does not meet the qualifying events for the PFL, he or she fails to provide the necessary supporting documentation, or the employee has used eight (8) workweeks of PFL that commenced in the last 12 months, he or she can be denied.

Q4 What is the authority for the PFL program?

A4 “Government Family Leave Program Amendment Act of 2014” - Subtitle F, *Government Family Leave Program*, of Title I of D.C. Act 20-0566; “Fiscal Year 2015 Budget Support Act of 2014” – Subtitle F, *Government Family Leave Program*, of D.C. Law 20-155, effective February 26, 2015; and the “Fiscal Year 2016 Budget Support Act of 2015” – Sec. 7026 of Subtitle B, *Prior Budget Act Amendments*, of D.C. Law 21-36, effective October 22, 2015.

Q5 When can an employee begin using the PFL?

A5 An employee can begin using PFL on the first day of a qualifying event. For example, if an employee is caring for a family member with a serious health condition, and the documentation indicates that the serious health condition began on March 7, 2017, the employee’s usage of PFL would begin on March 7, 2017.

Q6 Will the use of leave under the PFL program impact my annual or sick leave accrual or my pay?

A6 No. The use of leave under the PFL program will not impact your annual or sick leave accrual or your pay. An eligible employee will continue to accrue leave (annual and sick) while on PFL.

Q7 If I am a probationary employee can I take advantage of the PFL program?

A7 Yes. Provided you meet the other requirements of the program, probationary employees are eligible for paid family leave. However, your probationary period shall be extended by the duration of leave used under program.

Q8 What is a “qualifying event” under the PFL?

A8 Qualifying events include: (1) the birth of a child of the employee; (2) the legal placement of a child with the employee (such as through adoption, guardianship, or foster care); (3) the placement of a child with the employee for whom the employee permanently assumes and discharges parental responsibilities; and (4) the care of an employee’s family member who has a serious health condition.

Q9 Who maintains the records for employees relating to PFL program?

A9 Your employing agency's Family and Medical Leave Coordinator (FMLA Coordinator) is required to maintain all records and documentation received from employees within their agency relating to the PFL program.

Q10 How do I apply?

A10 Employees can contact their agency FMLA Coordinator to obtain the necessary application form and other PFL-related materials. Employees must submit a hard copy request for PFL and any supporting documentation to their agency's designated FMLA Coordinator.

Q11 Does an eligible employee have to use the eight (8) workweeks of paid family leave consecutively or can it be used intermittently?

A11 An eligible employee can utilize the leave consecutively or intermittently.

Q12 Can PFL leave be used in less than whole day increments?

A12 No. PFL leave can only be used in whole day increments.

Q13 If I am qualified for PFL, DCFMLA and federal FMLA, can I use them concurrently?

A13 Yes. If an employee qualifies for PFL, DCFMLA, and federal FMLA, he or she must use them concurrently.

Q14 If I use eight (8) workweeks of PFL and this time qualifies under DCFMLA or federal FMLA, will the eight (8) workweeks count against the sixteen (16) or twelve (12) weeks under DCFMLA or federal FMLA, respectively?

A14 Yes.

Q15 What happens if an employee fails to use all of the PFL hours credited to him or her within 12 months of the qualifying event?

A15 If an employee fails to use all of their PFL hours within 12 months of the qualifying event, any unused hours will expire. For example, an employee's qualifying event occurred on April 3, 2017, and she was credited with 320 hours. If, on April 2, 2018 (12 months from the qualifying event) she only utilized 100 hours, the remaining 220 hours would expire and would no longer be available for use to the employee.

Q16 If an employee has been approved for PFL, what happens if the family member with a serious health condition or a newborn passes away prior to the PFL leave being used in its entirety?

A16 The employee would need to contact the agency FMLA Coordinator for guidance as to the return date.

- Q17** If an employee is approved for PFL for a specific period (e.g. November 12 through 23, 2018), and that time needs to be extended based on medical necessity, do I need to submit an updated request form and documentation?
- A17 Yes. An employee would need to submit an updated DCSF No. FML-01 and supporting documentation to his or her FMLA Coordinator for review and approval.
- Q18** If an employee uses annual, sick, or compensatory leave while waiting for approval of the PFL, can that leave be restored to the employee?
- A18 The decision to restore the leave is at the discretion of the agency.
- Q19** If I am approved for PFL, is my job protected?
- A19 An employee using PFL shall enjoy the same employment and benefit protections provided under DCFMLA and federal FMLA which includes job protection.
- Q20** Do the provisions of the Act apply to eligible employees in independent agencies?
- A20 Yes, the PFL applies to all District government agencies.
- Q21** Can an employee who is on leave under the PFL program secure outside employment?
- A21 An employee on paid family leave may not engage in outside employment if that employment would conflict with the employee's regular tour of duty with the District government. However, outside employment would be permitted if that employment does not interfere with the employee's regular tour of duty. For example, if an employee's tour of duty is from 8:00 a.m. until 5:00 p.m., then the employee would be permitted to secure outside employment from, as an example, 7:00 p.m. until 10:00 p.m.
- Q22** Can an employee who is on leave under PFL travel while on this leave?
- A22 A determination of whether or not travel while on PFL is acceptable is determined on a case-by-case basis. For instance, an employee on PFL may need to travel to another locality (other than the location where primary care is being provided) to obtain medical services for a family member with a serious health condition. If this situation arises, the employee should contact his or her agency FMLA Coordinator.
- Q23** If an eligible employee experiences more than one (1) qualifying event in a twelve (12) month period, can he or she utilize the eight (8) workweeks more than once in a twelve (12) month period?
- A23 No. For instance, if an employee is approved for PFL and utilizes only four (4) workweeks of the eight (8) workweeks provided for one (1) qualifying event, he or she would not be eligible to use the remaining four (4) workweeks for a different qualifying event, even if it occurred within that same 12-month period.
- Q24** My spouse and I work at the same agency. Can we both apply for and use PFL to care for our child following the birth or adoption?
- A24 Yes. If both employees meet the eligibility requirements and provide the appropriate

documentation, they can submit an application to be approved for PFL. Please be advised that while both employees may be eligible for PFL in the above circumstance, the usage of PFL cannot occur for the same time period.

Q25 Can an employee withdraw an application once it has been approved?

A25 No. As an employee is entitled to only one (1) qualifying event within a 12-month period, he or she is not permitted to withdraw an approved PFL application.

Q26 If the employee's family member with a serious health condition resides outside of the United States, will supporting documentation be accepted from an official, international government agency or medical facility?

A26 While an agency FMLA Coordinator may accept documentation from an official, international government agency or medical facility, it is recommended that the FMLA Coordinator submit any documentation received to their agency General Counsel for review.

Q27 Who must approve an employee's request to receive leave under PFL?

A27 The employee's designated agency FMLA Coordinator will approve or disapprove an employee's request for PFL. Employees are also required to submit their leave request to their immediate supervisor through PeopleSoft or by using the DCSF 71, Application for Leave (or equivalent) for the dates they were approved for PFL (including use of intermittent leave).

Q28 Who can I contact to obtain the name and contact information of my agency FMLA Coordinator?

A 28 Employees can contact their agency Human Resources Advisor (HRA) or DCHR's Employee Relations Unit by calling (202) 442-9700 or via email at www.dchr.policy@dc.gov.

Q29 Where can I receive additional information about PFL?

A29 You can contact your designated agency FMLA Coordinator or the Department of Human Resources' Employee Relations Unit for additional information. DCHR may be reached by calling (202) 442-9700.