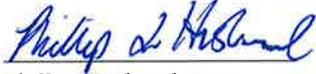


District of Columbia Department of Health  <h2>Family and Medical Leave Benefits</h2>		<b>PROCEDURE 540.000</b> Implementing Office: Office of the Director/Office of Human Resources Training Required: Yes Originally Issued: Revised/Reviewed:
<b>Approved by:</b>  LaQuandra S. Nesbitt MD, MPH; Agency Director	<b>Review by Legal Counsel:</b>  Phillip Husband, Esq.; General Counsel	<b>Effective Date:</b> APR 15 2020  <b>Valid Through Date:</b> APR 15 2023

<b>I. Authority</b>	Reorganization Plan No. 4 of 1996; Mayor’s Order 1997-42; Family and Medical Leave Act of 1993 (29 U.S.C. § 2601); DC Family and Medical Leave Act of 1990, as amended (D.C. Official Code § 32-501.01 et seq.); (Title 6-B DCMR §§1281; 1283-1299; District Personnel Issuance No. 12-57.
<b>II. Reason for the Policy</b>	The District of Columbia Department of Health (“DC Health”) is committed to being a supportive employer and promoting a healthy work-life balance. Most DC Health employees are eligible for one or more family and medical leave benefits: Paid Family Leave (PFL), DC Family Leave, DC Medical Leave, and leave under the federal Family and Medical Leave Act (“Federal FMLA”). A protocol is needed to ensure that employees in need of these important benefits receive consistent guidance and timely eligibility determination. A protocol is also necessary to govern leave tracking to ensure that DC Health remains in compliance with all applicable laws and regulations.
<b>III. Applicability</b>	This SOP shall apply to all DC Health employees.
<b>IV. Policy Statement</b>	<p>Processing applications for PFL, DC Family Leave, DC Medical Leave, and Federal FMLA is part of the portfolio of the DC Health Office of Human Resources (DC Health HR). The Human Resources Officer (HRO) manages all tasks assigned to DC Health HR.</p> <p>The HRO will designate an employee (“FMLA Coordinator”) within DC Health HR to manage applications for PFL, DC Family</p>

Leave, DC Medical Leave, and Federal FMLA. The FMLA coordinator is responsible for:

- determining employee eligibility for all four leave types;
- processing applications for all four leave types;
- providing guidance on eligibility and application requirements to employees ;
- providing guidance to DC Health managers to ensure that leave is correctly reported in electronic time and attendance submissions; and
- tracking leave usage each pay period for all DC Health employees using any of the four leave types, and providing running notifications of remaining benefits.

An employee may receive up to 16 weeks of unpaid DC Family Leave during any 24-month period. All of the following conditions must be met for an applicant to be eligible for DC Family Leave:

- The employee has at least 12 months of continuous service with District government;
- The employee has been paid for at least 1000 hours in the past 12 months (hours can include leave paid, or leave donations paid to the employee);
- The employee has not expended DC Family Leave permitted under law; and
- The employee has experienced, or will experience any of the following qualifying events:
  - The birth of a child of the employee;
  - The placement of a child with the employee for adoption or foster care;
  - The placement of a child with the employee for whom the employee permanently assumes and discharges parental responsibility; or
  - The care of a family member of the employee who has a serious health condition.

An employee may receive up to 16 weeks of unpaid DC Medical Leave during any 24-month period. All of the following conditions must be met for an applicant to be eligible for DC Medical Leave:

- The employee has at least 12 months of continuous service with District government;
- The employee has been paid for at least 1000 hours in the past 12 months (hours can include accrued annual and sick leave);

- The employee has not expended DC Medical Leave permitted under law; and
- The employee is unable to perform the functions of the employee's position because of a serious health condition.

An employee may receive up to 320 hours of PFL during any 24-month period. All of the following conditions must be met for an applicant to be eligible for PFL:

- The employee has had a fixed schedule for more than 90 days;
- The employee has not expended PFL permitted under law; and
- The employee has experienced, or will experience any of the following qualifying events:
  - The birth of a child of the employee;
  - The placement of a child with the employee for adoption or foster care;
  - The placement of a child with the employee for whom the employee permanently assumes and discharges parental responsibility; or
  - The care of a family member of the employee who has a serious health condition.

An applicant who has worked a minimum of 1,250 hours in the past year may receive up to 12 workweeks of unpaid Federal FMLA in a 12-month period for:

- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;"

-or-

An applicant may receive up to 26 workweeks of leave during a 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the

	<p>servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave).</p> <p>Employees who have used any of these leave types in the past, and are applying for a new episode of leave, are strongly encouraged to contact the DC Health FMLA Coordinator in advance to verify that the desired leave category has not been expended and confirm the amount of available leave remaining.</p> <p>Employees may apply for any of the four leave types using the Family and Medical Leave Application Form. An employee may be eligible for more than one type of leave.</p> <p>If the qualifying event is the employee's own serious health condition, or the birth of the employee's child, the employee must also submit a Certification of Health Care Provider for Employee's Serious Health Condition. If the qualifying event is a family member's serious health condition, the employee must also submit a Certification of Health Care Provider for Family Member's Serious Health Condition, and government or other reasonable documentation to establish the family relationship. These forms must be filled out in their entirety and signed by a health care provider. Employees are responsible for any out-of-pocket costs to obtain the necessary documentation from the health care provider.</p> <p>If an employee contacts his/her supervisor to call in sick on three or more consecutive work days, or reports having been hospitalized, the supervisor shall contact the FMLA Coordinator immediately. The FMLA Coordinator is responsible for contacting the employee and obtaining the necessary information to approve the employee for DC Medical Leave, or Federal FMLA. Until the Family and Medical Leave Application Form, and supporting documentation, is submitted, the employee's FMLA status is conditional. While FMLA status is conditional, an employee may use accrued sick leave, accrued annual leave, or leave without pay for absences. Once the employee is approved for any type of family or medical leave, s/he may contact the FMLA Coordinator for a leave adjustment, substitute PFL, DC Family/Medical Leave or Federal FMLA retroactively, and reclaim any annual or sick leave used under conditional FMLA status.</p>
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Upon receipt of a completed application, the FMLA Coordinator will determine eligibility and communicate that decision back to the applicant within five (5) business days.

Application materials shall be submitted to the agency FMLA Coordinator at least thirty (30) days prior to the qualifying event, if possible. Absent good cause, a failure to provide the requisite notice may result in delaying a decision on the requested leave until the required certification is provided.

If the employee cannot provide the required documentary proof prior to the qualifying event, the application may be conditionally approved. In such a case, the necessary documentation must be received by the FMLA Coordinator no more than four (4) weeks following the qualifying event.

If the application is approved, the FMLA Coordinator will provide the employee written guidance on reporting leave taken when reporting time and attendance. To ensure that the employee's supervisor can approve the employee's time accurately, the FMLA Coordinator will meet with the supervisor to explain his/her responsibilities under the program and provide follow-up written guidance. The FMLA Coordinator will limit communication with the supervisor to sharing the amount of leave the employee is approved to take, and the correct time reporting procedure. The FMLA Coordinator may not disclose any medical or family information to the supervisor.

Once an application is approved, the FMLA Coordinator will submit the complete application package to the Office of Payroll and Retirement Services (OPRS), and request that the appropriate time reporting code be activated. The employee must report absences using accrued sick leave, accrued annual leave, or leave without pay until OPRS activates the code. Once the code is activated, the FMLA Coordinator is responsible for exchanging all applicable absences in the electronic personnel management system, and restoring any accrued leave to the employee expended pending code activation.

An employee's use of paid family leave commences from the date of the qualifying event and shall count concurrently against the sixteen (16) workweeks of family leave under Section 3 of the

DCFMLA (D.C. Official Code 32-502) and, against the twelve (12) workweeks under the federal FMLA.

To the greatest extent possible, employees are expected to obtain pre-approval when using family or medical leave. If circumstances preclude pre-approval, such as an urgent medical issue, the employee is expected to contact his/her supervisor as early as is practicable to minimize work disruption and allow the supervisor to reallocate work duties.

An employee is expected to report leave using the time reporting codes in the written guidance. In the event of an error in time reporting (i.e. using the incorrect time reporting code), the supervisor will direct the employee to correct the error prior to approving time. The FMLA Coordinator will provide any necessary guidance to supervisors in ensuring the accuracy of time reporting.

Any time absent from work on an approved Worker's Compensation claim for a serious health condition is counted towards that employee's available FMLA entitlement.

The FMLA Coordinator will maintain an electronic record of all employees using all family and medical leave types. Each pay period, s/he will use a report from the electronic personnel management system to update this record.

Within five (5) business days of the end of a pay period, the FMLA Coordinator will notify each employee, and their supervisor, of authorized family and medical leave (all types) expended during that pay period. This notification will include the cumulative leave used during the current period of eligibility and the end date of the period of eligibility.

If an employee's available family and medical leave is expended, and the qualifying event remains a barrier to returning to work, DC Health HR will address the matter on a case-by-case basis. Options include accrued annual leave, accrued sick leave, sick leave advancement, Short-Term Disability (if the employee is enrolled), and the DC Health leave bank. The DC Health Americans with Disabilities Act (ADA) Coordinator will contact

	<p>any employee who has expended family and medical leave benefits to assist the employee in returning to work.</p> <p>The FMLA Coordinator will offer information on the DC Health Infant-at-Work Program (see SOP 290.000), and the onsite lactation rooms (see SOP 291.000), to any employee using family leave due to the birth of a child, or placement of a child.</p> <p>If this SOP conflicts with any part of a signed collective bargaining agreement (CBA), the language in the CBA will supersede this SOP.</p> <p>Any employee in violation of any part of this SOP may be subject to commensurate disciplinary action.</p>
<p><b>V. Definitions &amp; Acronyms</b></p>	<p><b>CBA-</b> Collective Bargaining Agreement</p> <p><b>DC Health HR-</b> DC Health Office of Human Resources</p> <p><b>Family member-</b></p> <ul style="list-style-type: none"> <li>(A) A person to whom the employee is related by blood, legal custody, or marriage;</li> <li>(B) A child who lives with an employee and for whom the employee permanently assumes and discharges parental responsibility;</li> <li>(C) A person with whom the employee shares or has shared, within the last year, a mutual residence and with whom the employee maintains a committed relationship; or</li> <li>(D) A foster child.</li> </ul> <p><b>FMLA-</b> Family and Medical Leave Act of 1993</p> <p><b>Health care provider-</b> Any person licensed under federal, state, or District law to provide health care services.</p> <p><b>HRO-</b> Human Resources Officer</p> <p><b>OPRS-</b> Office of Payroll and Retirement Services</p>

	<p><b>PFL- Paid Family Leave</b></p> <p><b>Qualifying event-</b> An occurrence that is necessary for an employee to become eligible for a particular leave category.</p> <p><b>Serious Health Condition-</b> A physical or mental illness, injury, or impairment that involves:</p> <ul style="list-style-type: none"> <li>(A) Inpatient care in a hospital, hospice, or residential health care facility; or</li> <li>(B) Continuing treatment or supervision at home by a health care provider or other competent individual.</li> </ul>
<p><b>VI. Procedures</b></p>	<p><b>Procedure A: Application</b></p> <ol style="list-style-type: none"> <li>1. The employee will contact the FMLA Coordinator. If the employee calls in to use sick leave on at least three consecutive workdays, or reports having been hospitalized, the supervisor will contact the FMLA Coordinator.</li> <li>2. The FMLA Coordinator will review the employee’s file for prior family or medical leave usage.</li> <li>3. If the employee has previously used leave, the FMLA Coordinator will calculate remaining available leave in applicable categories.</li> <li>4. The FMLA Coordinator will inform the employee of the result of the search, including the number of hours still available.</li> <li>5. If the employee has expended available leave, and is not yet eligible to apply for a new episode of leave, the FMLA Coordinator will inform the employee s/he is ineligible in writing.</li> <li>6. If the employee is still eligible to apply for family or medical leave, the FMLA Coordinator will give the employee the Family and Medical Leave Application Form, and the applicable Certification Form.</li> </ol>

	<ol style="list-style-type: none"><li>7. The employee will complete the Family and Medical Leave Application Form, and coordinate with his/her health care provider to obtain a complete Certification Form.</li><li>8. The employee will submit both completed forms to the FMLA Coordinator.</li><li>9. The FMLA Coordinator will make an official eligibility determination within five business days, and notify the employee of the decision in writing.</li><li>10. If the FMLA Coordinator has reason to doubt the validity of the medical documentation provided by the employee, the agency shall consult with the DC Health Office of General Counsel prior to requesting that the employee obtain a second opinion from another health care provider.</li><li>11. If the employee is approved, the FMLA Coordinator will send written guidance to the employee and supervisor for time reporting.</li><li>12. The FMLA Coordinator will submit the approved package to OPRS.</li><li>13. The FMLA Coordinator will schedule a meeting with the supervisor to review the guidance, instruct the supervisor directly in time reporting procedures, and answer all of the supervisor's questions.</li><li>14. The FMLA Coordinator will add the employee's name to the electronic tracking record.</li></ol> <p><b>Procedure B: Leave Tracking</b></p> <ol style="list-style-type: none"><li>1. The employee will submit his/her time at the end of the pay period.</li><li>2. The supervisor will approve the employee's time, requesting the employee correct any identified errors.</li><li>3. The FMLA Coordinator will run a report of all family and medical leave codes used during the pay period.</li></ol>
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	<ol style="list-style-type: none"> <li>4. The FMLA Coordinator will update the electronic tracking record.</li> <li>5. Within five (5) business days of the end of a pay period, the FMLA Coordinator will notify each employee, and their supervisor, of authorized family and medical leave (all types) expended during that pay period. This notification will include the cumulative leave used during the current period of eligibility and the end date of the period of eligibility.</li> </ol>
<p><b>VII. Contacts</b></p>	<p>Human Resources Officer</p> <p>FMLA Coordinator</p>
<p><b>VIII. Related Documents, Forms and Tools</b></p>	<p>Family and Medical Leave Application Form</p> <p>Certification of Health Care Provider for Employee’s Serious Health Condition</p> <p>Certification of Health Care Provider for Family Member’s Serious Health Condition</p>