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Frequently Asked Questions
2021

District of Columbia Universal Paid Family Leave (DC UPL)

Group Insurance

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OVERVIEW

What is the Washington D.C. Universal Paid Family Leave (DC UPL) Law?

The Washington D.C. Universal Paid Family Leave (DC UPL) was enacted in February 2017 and provides paid time away from work that employees may take for family and medical leave:

- For parental leave to bond with a new child, including adopted and foster children
- For care of a family member with a serious health condition
- For care of an employee's own serious health condition

DC UPL benefits are available to Washington D.C. employees began July 1, 2020

What responsibilities are required by the employer?

- Employer Self-Service Portal (ESSP) for Unemployment Insurance Account (<https://essp.does.dc.gov/>):
 - If you are a new business, you will need to create an ESSP account. For all others, use your existing account to provide the Quarterly Reporting.
- Notice Requirements:
 - The Office of Paid Family Leave will provide a poster for employers to display in a conspicuous place at the work site.
 - In addition to the posting requirement, there are 3 times when employers must notify employees of the program via paper or electronic form:
 - Annually to all workers
 - Within 30 days of date of hire
 - When leave is needed
- File Reports and Pay Contributions
- Recordkeeping:
 - Employers must keep payroll records for 3 years. (See "ER Toolkit" for more details.)

How do employers register for the program?

- Employers will use the same account they currently use for Unemployment Insurance via the Employer Self-Service Portal (ESSP). <https://essp.does.dc.gov>

What plan options are available to employers to comply with DC UPL requirements?

- Washington D.C. Universal Paid Family Leave is only available through the state plan only.
- Private plans are not available.

Which employers are required to provide paid family leave coverage?

- DC private sector employers subject to DC Unemployment Insurance (UI) tax
- Employers with at least one employee working in DC
- Non-profits may be considered a covered employer if they are required to pay UI tax in DC for their workers. (This includes non-profits who, instead of paying quarterly UI taxes, choose to self-insure and reimburse.)
- Self-employed individuals may opt into the program

Who is covered by the Paid Family Medical Leave (PFML) law?

- Part-time, full-time, temporary and seasonal workers who:
 - Spend more than 50% of their time working in DC in the year prior to needing leave; OR
 - Are based in DC who spend a substantial amount of their work time for their employer in DC and don't work more than 50% for that employer in another single jurisdiction.

How is an employee eligible for benefits?

Employees are eligible for Paid Family Leave benefits if they:

- **Spend more than 50% of your time working in DC.** Eligible workers must spend a majority of their time working the District—including teleworking or telecommuting—for a covered employer and must have completed that work during the year prior to needing leave.
- **Are self-employed and have opted into the Paid Family Leave program.** Individuals who have earned self-employment income for work performed more than 50% of the time in DC during the year prior to needing leave are eligible for the benefit.
- **Are employed when you apply for the benefit.** Your wages must have been reported by your covered employer in order for you to be eligible for the benefit. If you are receiving unemployment compensation benefits, you are not eligible for Paid Family Leave.
- **Meet specifications as a temporary or seasonal worker.** These specifications depend on when your employer reports wages and when you need the benefit.



What is the plan design?

Eligibility	Work 50% or more in District of Columbia for a covered employer in any of the 52 weeks prior to leave
Leave Types	<ul style="list-style-type: none"> ◆ Employee’s own serious health condition ◆ Care of a seriously ill family member ◆ New child bonding within 12 months of birth or placement
Definition of Family Member	<ul style="list-style-type: none"> ◆ A biological, adopted, or foster son or daughter, a stepson or stepdaughter, a legal ward, a son or daughter of a domestic partner, or a person to whom an eligible individual stand <i>in loco parentis</i>; ◆ A biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood <i>in loco parentis</i> to an eligible individual when the eligible individual was a child; ◆ A person to whom an eligible individual is related by domestic partnership or marriage; ◆ A grandparent of an eligible individual; or ◆ A sibling of an eligible individual
Waiting Period	<ul style="list-style-type: none"> ◆ 7 calendar days (no benefits payable during this period) ◆ Only one waiting period in a 52 week calendar-week period. ◆ The 7 calendar day waiting period shall not count towards the number of workweeks of paid leave benefits that an eligible individual may receive
Benefit Amount	<p>Based on wages paid by the employer</p> <p>Benefit Calculator: https://does.dc.gov/page/dc-paid-family-leave</p>
Maximum Benefit Amount	<ul style="list-style-type: none"> ◆ \$1,000 ◆ Effective 10/1/2021 and after: Calculated annually based upon prescribed formula
Maximum Leave Duration	<ul style="list-style-type: none"> ◆ Employee’s own health condition: up to 2 weeks ◆ Care of a seriously ill family member: up to 6 weeks ◆ Bonding with a new child: up to 8 weeks ◆ Maximum of 8 weeks of paid leave within a 52-week period
Program Funding	<ul style="list-style-type: none"> ◆ 0.62% of annual salary Employer payroll tax



What are the reporting requirements?

Every quarter covered employers and self-employed individuals must file a wage report and pay 0.62% on that quarter's wages or income. Wage reports and contributions are due the day after a quarter ends.

Reports and contributions will be considered late and subject to penalties if they are not filed by the last day of the month following the close of a quarter.

ADDITIONAL RESOURCES:

<https://dcpaidfamilyleave.dc.gov/>

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