

does Department of Employment Services
Washington, DC's lead workforce development and labor agency

**ACCRUED SICK AND SAFE LEAVE ACT OF 2008
&
EARNED SICK AND SAFE LEAVE AMENDMENT ACT OF 2013
PUBLIC EDUCATION CAMPAIGN**

D.C. Office of Wage-Hour
Labor Standards Bureau

District of Columbia
Muriel Bowser, Mayor
Department of Employment Services
Deborah A. Carroll, Director

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ABOUT THE MODERATOR

- Your moderator for today is **Chavara Bartley** with the D.C. Department of Employment Services, where she serves as a Compliance Specialist in the Office of Wage-Hour.
- The **Office of Wage-Hour** conducts compliance audits and works to recover unpaid wages for employees who have not been paid pursuant to DC wage laws, either administratively or through court action.
- Wage-Hour compliance** involves ensuring adherence to the wage laws of the District of Columbia by holding employers accountable when wages are not paid to employees who have performed work in the District.

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AGENDA

- I. Purpose of the Act
- II. Employer Requirements
- III. Eligible Circumstances
- IV. Employee Requirements
- V. Damages & Penalties


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Will give overview, Q+A

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PURPOSE OF THE ACT


- To enable employees working 1,000 hours or more per year to receive paid leave for any of the following reasons:
 - An illness
 - Illnesses of their family members
 - Medical appointments
 - Absences associated with domestic violence or sexual abuse




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WHAT IS PAID LEAVE?


- Accrued increments of compensated leave provided by an employer for use by an employee during an absence from employment




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HOW DOES PAID LEAVE ACCRUE?

- In accordance with the employer's established pay period
- Starting at the beginning of employment





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EMPLOYER REQUIREMENTS

- Employers who employ 1-24 employees must provide no less than **three days** of paid leave
 - **1 hour** of paid leave for every **37 hours** worked
- Employers who employ 25 to 99 employees must provide no less than **five days** of paid leave per year
 - **1 hour** of paid leave for every **43 hours** worked
- Employers with 100 or more employees must provide no less than **seven days** of paid leave per year
 - **1 hour** of paid leave for every **37 hours** worked


**An employee means any individual employed by an employer*




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Employers do not have to change their current leave policy if it allows employees to:


- (1) Access and accrue paid leave at least at the same rate as or greater than the hours of paid leave provided
- (2) Use the paid leave for the same purposes as those set forth in the law, including unscheduled leave.




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EMPLOYEES NOT COVERED BY ASSLA


- Independent contractors
- Students
- Healthcare workers who choose to participate in a premium pay program
- Volunteers who work in non-profit organizations, charitable, religious or educational establishments
- Casual babysitters
- Appointed or elected lay members engaged in religious functions in any religious organization
- Employees in the construction or building industry covered by a bona fide collective bargaining agreement that clearly waives the requirements




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EXEMPT EMPLOYEES


- Employees who are exempt from overtime payment shall not accrue leave for hours worked beyond a 40-hour work week.




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TIPPED EMPLOYEES


- Tipped employees working in restaurants or bars must be paid no less than **five days** of paid leave
 - **1 hour** of paid leave for every 43 hours worked
- An employer must pay a tipped employee the full minimum wage, currently **\$10.50**, for each hour of approved paid leave.



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ELIGIBLE CIRCUMSTANCES FOR ACCESSING PAID LEAVE

- A physical or mental illness, injury, or medical condition of the employee
- Obtaining professional medical diagnosis or care, or preventive medical care, for the employee
- The purpose of caring for a child, a parent, a spouse, domestic partner, or any other family member who has any of the conditions or needs for diagnosis or care
- Employee or the employee's family member being a victim of stalking, domestic violence, or sexual abuse



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THOSE CONSIDERED "FAMILY MEMBERS"

- A spouse or domestic partner
- The parents of both the spouse and the employee
- Children, including grandchildren and foster children
- Brothers and sisters of both the employee and the spouse
- A residing child for whom the employee has parental responsibility
- A person who has co-habitated with the employee for no less than 12 months

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EMPLOYEE REQUIREMENTS

- If the paid leave is foreseeable, the request shall be provided in writing to the employer at least 10 days or as early as possible, in advance of the paid leave
- If the paid leave is unforeseeable, an oral request for paid leave shall be provided prior to the start of the work shift for which the paid leave is requested.
- In the case of an emergency, the employer shall be notified prior to the start of the next work shift or within 24 hours of the onset of the emergency, whichever occurs sooner.
- An employer may require that paid leave for 3 or more consecutive days be supported by reasonable certification supplied by an employee.

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WHEN DOES AN EMPLOYEE HAVE ACCESS TO PAID LEAVE?

- An employee may begin to access paid leave after 90 days of service with his or her employer

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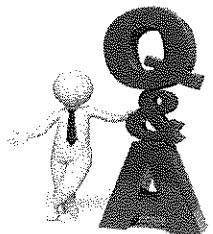
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EMPLOYEE OPTIONS FOR RECOVERY

- Wage-Hour Administrative Investigation
 - This is an administrative process where the claim is handled by the Office of Wage-Hour on behalf of the claimant.
- Administrative Law Judge Hearing
 - This is a formal hearing requested by either the claimant or the employer, where those individuals are representing themselves in front of the Administrative Law Judge.
- Civil Action: Court Proceeding
 - The Office of the Attorney General prosecutes these civil actions.

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Ari: carryover removed, but poster says accrued leave carries over. A: leave doesn't carry over anymore. ~~But~~ Ari: old provision says you can limit carryover, new provision meant to remove cap. Will follow up.

Eden: doc allowed only if 3 days off, or can ER ask for doc for less than 3 ~~days~~ if it's part of ER policy? A: No, policy can't supersede Act
Eden: Tipped EEs - still 5 days even if ~~less~~ less than 24 EEs? A: yes.

Erika: ER size based on # of EEs working in DC? A: yes.

[~~Unknown~~ ^{Unknown}]: prime KR jointly liable w/subKR? A: yes. []: How should you monitor? A: written agreement, contacting EEs, holding accountable.

ERs should have notice of hire for EEs about employment. status, OWHT has template. All EEs should get, not just new hires - whenever ~~the~~ last increase occurred (a subsequent increases).

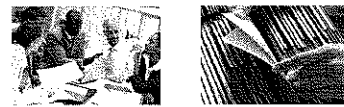
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BUSINESS WAGE THEFT REVIEW

Location: 4058 Minnesota Avenue NE, Suite 4300, Washington, DC 20019
Phone: 202.671.1880
Email: owh.ask@dc.gov


Time Slots Available: 9:00 a.m. - 12:00 p.m. and 1:30 p.m. - 3:30 p.m.

R.S.V.P. - owh.ask@dc.gov



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ADDITIONAL INFORMATION

For the complete text of the Accrued Sick and Safe Leave Act of 2008 and the Earned Sick and Safe Leave Amendment Act of 2013, please visit:
www.does.dc.gov

For questions or concerns, please contact the
D.C. Office of Wage-Hour at **202-671-1880**.
or
Email: **OWHASK@dc.gov**

Office hours:
8:30 a.m. to 4:30 p.m. – Monday through Thursday
9:30 a.m. to 4:30 p.m. – Friday

