

**DISTRICT OF COLUMBIA (DC)
ACCRUED SICK AND SAFE LEAVE ACT OF 2008
(AS AMENDED)
(PAID SICK AND SAFE TIME ORDINANCE)**

Requires employers in the District of Columbia to provide paid leave to employees for their own or family members' illnesses or medical appointments and for absences associated with domestic violence or sexual abuse.

Employees who assert their rights to receive paid leave pursuant to the Act are protected from retaliation.

Accrual of paid leave is determined by the number of employees an employer has working in DC. An individual shall accrue paid leave at the beginning of his or her employment. An employee may begin to access paid leave after 90 days of service with his or her employer.

If an employer has...	Employees accrue...	Not to Exceed...
25 to 99	1 hour per 43 hours worked	5 days per calendar year (40 hours)

Note: Any type of paid leave, paid time off, vacation, personal days, etc., will count for purposes of complying with the law as long as it can be used for the same purposes as outlined below.



EFFECTIVE: 9/1/2012

Sick and Safe Leave Uses

Provide paid leave to employees for illness and for absences associated with domestic violence or sexual abuse.

Paid leave accrued may be used by an employee for any of the following:

- (1) Absence resulting from a physical or mental illness, injury, or medical condition of the employee;
- (2) An absence resulting from obtaining professional medical diagnosis or care, or preventive medical care, for the employee;
- (3) An absence for 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 described in (1) or (2) above; or
- (4) An absence if the employee or the employee's family member is a victim of stalking, domestic violence, or sexual abuse; provided, that the absence is directly related to social or legal services pertaining to the stalking, domestic violence, or sexual abuse, to:
 - a. Seek medical attention for the employee or the employee's family member to remove from

Leave can be used in increments of one hour.

Family member — means:

- (1) A spouse, including the person identified by an employee as his or her domestic partner, as defined in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3));
- (2) The parents of a spouse;
- (3) Children (including step-children, foster children, and grandchildren);
- (4) The spouses of children (including step-children, foster children, and grandchildren);
- (5) Parents (including step-parents);
- (6) Brothers and sisters (including step-brothers and sisters and half-brothers and sisters);
- (7) The spouses of brothers and sisters (including step-brothers and sisters and half-brothers and sisters);

<p>physical or psychological injury or disability caused by domestic violence or sexual abuse;</p> <ul style="list-style-type: none"> b. Obtain services from a victim services organization; c. Obtain psychological or other counseling; d. Temporarily or permanently relocate; e. Take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic violence or sexual abuse; or f. Take other actions to enhance the physical, psychological, or economic health or safety of the employee or the employee's family member or to enhance the safety of those who associate or work with the employee. 	<ul style="list-style-type: none"> (8) A child who lives with the employee and for whom the employee permanently assumes and discharges parental responsibility; and (9) A person with whom the employee shares or has shared, for not less than the preceding of twelve (12) months a mutual residence and with whom the employee maintains a committed relationship, as defined in section 2(1) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code §32-701(1)).
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Employee Notice Requirements

<ul style="list-style-type: none"> • An employee shall make a reasonable effort to schedule paid leave in a manner that does not unduly disrupt the operations of the employer/customer. • Paid leave shall be provided upon the written requires of an employee upon notice as provided above. The request shall include a reason for the absence involved and the expected duration of the paid leave. • If the leave is foreseeable, the request shall be provided 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. 	<p>An employer may require that paid leave for three or more consecutive days be supported by reasonable certification.</p> <p>Reasonable certification may include:</p> <ul style="list-style-type: none"> • A signed document from a health care provider, affirming the illness of the employee; • A police report indicating that the employee was a victim of stalking, domestic violence, or sexual abuse; • A court order; or • A signed statement from a victim and witness and advocate, or domestic violence counselor, affirming that the employee is involved in legal action related to stalking, domestic violence, or sexual abuse. <p>If certification is required by an employer, the employee shall provide a copy of the certification to the employer upon the employee's return to work.</p>
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Paid Sick Time Accrual

- Sick leave accrual for all eligible existing employees begins on November 13, 2008. New employees hired after this date, will begin to accrue sick leave when an employee begins work in the District of Columbia.
- Sick leave will accrue at a rate of 1 hour for every 43 hours worked, up to a maximum of 40 hours per calendar year.
- Employees are required to immediately begin accruing sick leave, but cannot take accrued leave until after 90 days of employment with that employer.
- Accrued but unused paid leave carries over to the following year, but employer is not required to give more than five (5) days annually (i.e., 40 hours).
- For hourly employees, overtime hours are included in that calculation; salaried employees are presumed to work 40 hours a week, unless their contract provides for a lesser workweek.

If an employee is transferred to a separate division, entity, or location within the District, or transferred out of the District and then transferred back to a division, entity, or location within the District, but remains employed by the same employer, the employee shall be entitled to all paid leave accrued at the prior entity or location and shall be entitled to use all paid leave as provided in this act.

No Pay Out Upon Termination or Resignation

- There will be no pay out of accrued but unused sick leave upon termination, resignation, retirement, or other separation from employment.

Rehires

- When there is a separation from employment and the employee is rehired within one year of separation by the same employer, previously accrued paid leave shall be reinstated. The employee shall be entitled to use accrued paid leave and accrue additional paid leave immediately upon the re-commencement of employment; provided, that the employee had previously been eligible to use paid leave
- An employee who is discharged after the completion of a 90-day probationary period and is rehired within 12 months may access paid leave immediately.

District of Columbia – In SmartSearch, if the employee is working in the District of Columbia, mark Personnel subarea as “DC”. If they live in the District of Columbia but do not work in the District of Columbia, mark Personnel subarea as the state in which they are working.

20001	20043	20088
20002	20044	20090
20003	20045	20091
20004	20046	20097
20005	20047	20098
20006	20049	20201
20007	20050	20202
20008	20051	20203
20009	20052	20204
20010	20053	20206
20011	20055	20207
20012	20056	20208
20013	20057	20210
20015	20058	20211
20016	20059	20212
20017	20060	20213
20018	20061	20214
20019	20062	20216
20020	20063	20217
20022	20064	20218
20023	20065	20219
20024	20066	20220
20026	20067	20221
20027	20068	20222
20029	20069	20223
20030	20070	20224
20032	20071	20226
20033	20073	20227
20035	20074	20228
20036	20075	20229
20037	20076	20230
20038	20077	20232
20039	20078	20233
20040	20080	20235
20041	20081	20237
20042	20082	20238

District of Columbia (Cont.) – In SmartSearch, if the employee is working in the District of Columbia, mark Personnel subarea as “DC”. If they live in the District of Columbia but do not work in the District of Columbia, mark Personnel subarea as the state in which they are working.

20239	20410	20472
20240	20411	20500
20241	20412	20501
20242	20413	20502
20244	20414	20503
20245	20415	20504
20250	20416	20505
20251	20417	20506
20252	20418	20507
20254	20419	20508
20260	20420	20509
20261	20421	20510
20262	20422	20511
20265	20423	20515
20266	20424	20520
20268	20425	20521
20270	20426	20522
20277	20427	20523
20289	20428	20524
20299	20429	20525
20301	20431	20526
20303	20433	20527
20306	20434	20528
20310	20435	20529
20314	20436	20530
20317	20437	20531
20318	20439	20532
20319	20440	20533
20330	20441	20534
20340	20442	20535
20350	20444	20536
20355	20447	20537
20370	20431	20538
20372	20433	20539
20375	20434	20540
20380	20435	20541
20389	20436	20542
20390	20437	20543
20392	20439	20544
20393	20440	20546
20394	20441	20547
20395	20442	20548
20380	20444	20549
20401	20447	20551
20402	20451	20552
20403	20453	20553
20404	20456	20554
20405	20460	20555
20406	20463	20557
20407	20468	20558
20408	20469	20559
20409	20470	20560

District of Columbia (Cont.) – In SmartSearch, if the employee is working in the District of Columbia, mark Personnel subarea as “DC”. If they live in the District of Columbia but do not work in the District of Columbia, mark Personnel subarea as the state in which they are working.

20565	20581	
20566	20585	
20570	20586	
20571	20590	
20572	20591	
20573	20593	
20575	20594	
20576	20597	
20577	20599	
20578		
20579		
20580		

OFFICIAL NOTICE

(Post Where Employees Can Easily Read)

Accrued Sick and Safe Leave Act of 2008

(This poster includes provisions of the Earned Sick and Safe Leave Amendment Act of 2013, effective February 22, 2014)
REQUIRES EMPLOYERS IN THE DISTRICT OF COLUMBIA TO PROVIDE PAID LEAVE TO EMPLOYEES FOR THEIR OWN OR FAMILY MEMBERS' ILLNESSES OR MEDICAL APPOINTMENTS AND FOR ABSENCES ASSOCIATED WITH DOMESTIC VIOLENCE OR SEXUAL ABUSE.

EMPLOYERS REQUIRED TO COMPLY WITH THE ACT

Pursuant to the Accrued Sick and Safe Leave Act of 2008, all employers in the District of Columbia must provide paid leave to each employee, including employees of restaurants and bars and temporary and part-time employees.

ACCRUAL START DATE

Paid leave accrues at the beginning of employment, provided that the accrual need not commence prior to November 13, 2008 and provided that an employer need not allow accrual of paid leave for tipped restaurant or bar employees prior to February 22, 2014.

Paid leave accrues on an employer's established pay period.

ACCESSING PAID LEAVE

An employee must be allowed to use paid leave no later than after 90 days of service with the employer. An employee may use leave on short notice if the reason for leave is unforeseeable.

NUMBER OF HOURS ACCRUED

Accrual of paid leave is determined by the type of business, the number of employees an employer has, and the number of hours an employee works. For tipped employees of restaurants or bars, regardless of the number of employees the employer has, each tipped employee must accrue at least one (1) hour per 43 hours worked, up to five (5) days per calendar year. For all other employers, use the following chart:

If an employer has...	Employees accrue at least...	Not to Exceed...
100 or more employees	1 hour per 37 hours worked	7 days per calendar year
25 to 99 employees	1 hour per 43 hours worked	5 days per calendar year
Less than 25 employees	1 hour per 87 hours worked	3 days per calendar year

UNUSED LEAVE

Under this Act, an employee's accrued paid sick leave carries over from year to year. Employers do not have to pay employees for unused paid sick leave upon termination or resignation of employment.

EMPLOYEE PROTECTION

Under the Act, employees who assert their rights to receive paid sick leave or provide information or assistance to help enforce the Act are protected from retaliation.

ENFORCEMENT

The DC Department of Employment Services, Office of Wage and Hour can investigate possible violations, access employer records, enforce the paid sick leave requirements, order reinstatement of employees who are terminated, as a result of asserting rights to paid sick leave, order payment of paid sick leave unlawfully withheld, and impose penalties.

An employer who willfully violates the requirements of the Act shall be assessed a civil penalty in the amount of one thousand dollars (\$1,000) for the first offense, fifteen hundred dollars (\$1,500) for the second offense, and two thousand dollars (\$2,000) for the third and any subsequent offenses.

TO FILE A COMPLAINT OR FOR ADDITIONAL INFORMATION

To request full text of the Act, to obtain a copy of the rules associated with this Act, to receive the Act translated into other languages, or to file a complaint, visit www.does.dc.gov, call the Office of Wage and Hour at (202) 671-1880, or visit at 4058 Minnesota Avenue, N.E., Suite 4300, Washington, D.C. 20019. Complaints shall be filed within three (3) years after the event on which the complaint is based unless the employer has failed to post notice of the Act.

AVISO OFICIAL

(Publicar en un lugar en que pueda ser leído fácilmente por los empleados)

Ley de Licencia por Enfermedad y Seguridad Generada (ASSLA) de 2008

(Este afiche incluye disposiciones de la Ley Modificativa de Licencia por Enfermedad y Seguridad Generada de 2013, vigente desde el 22 de febrero 2014)

OBLIGA A LOS EMPLEADORES DEL DISTRITO DE COLUMBIA A OTORGAR LICENCIA PAGA A LOS EMPLEADOS EN CASO DE ENFERMEDAD O CONSULTAS MÉDICAS PROPIAS O DE SUS FAMILIARES Y DE AUSENCIAS RELACIONADAS CON VIOLENCIA DOMÉSTICA O ABUSO SEXUAL.

LOS EMPLEADORES QUE DEBEN CUMPLIR CON LA LEY

De conformidad con la Ley de Licencia por Enfermedad y Seguridad Generada de 2008 (Accrued Sick and Safe Leave Act of 2008), todos los empleadores del Distrito de Columbia deben otorgar licencia paga a todos sus empleados, incluyendo a los empleados de restaurantes y bares y a los empleados temporarios y de tiempo parcial.

FECHA DE INICIO DE LA GENERACIÓN

La licencia paga comienza a generarse al inicio del empleo, siempre que no deba comenzar a generarse antes del 13 de noviembre de 2008 y siempre que el empleador no deba permitir la generación de licencia paga para empleados de restaurante o bar con propina antes del 22 de febrero de 2014.

La licencia paga se acumula en el período de pago establecido por un empleador.

FECHA DE INICIO DE LA LICENCIA ACUMULADA

Deberá permitirse utilizar la licencia paga al empleado a más tardar a los 90 días de su servicio con el empleador. Un empleado podrá utilizar la licencia con un aviso con poca anticipación si el motivo de la licencia es imprevisible.

NÚMERO DE HORAS ACUMULADAS

La acumulación de la licencia paga se determina de acuerdo al tipo de negocio, el número de empleados con que cuenta el empleador y el número de horas trabajadas por el empleado. Para empleados de restaurantes y bares con propina, independientemente del número de empleados con que cuente el empleador, cada empleado con propina deberá acumular al menos una (1) hora cada 43 horas trabajadas, con hasta cinco (5) días por año calendario. Para el resto de los empleadores, se deberá utilizar la siguiente tabla:

Si un empleador cuenta con...	Los empleados acumulan al menos...	Sin exceder...
100 o más empleados	1 hora por cada 37 horas trabajadas	7 días por año calendario
25 a 99 empleados	1 hora por cada 43 horas trabajadas	5 días por año calendario
Menos de 25 empleados	1 hora por cada 87 horas trabajadas	3 días por año calendario

LICENCIA NO UTILIZADA

De acuerdo a esta Ley, la licencia con goce de pago devengada por un empleado se transfiere de un año al siguiente. Los empleadores no deberán pagar a los empleados por las licencias por enfermedad no utilizadas al momento de la terminación del empleo o renuncia al mismo.

PROTECCIÓN DEL EMPLEADO

De acuerdo a la Ley, los empleados que hagan valer sus derechos a recibir licencia por enfermedad paga o proporcionen información o asistencia para ayudar a hacer cumplir la Ley están protegidos contra represalias.

CUMPLIMIENTO DE DICHA LEY

El Departamento de Servicios de Empleo del Distrito de Columbia, Oficina de Salarios y Horas (DC Department of Employment Services, Office of Wage and Hour) puede investigar posibles violaciones, acceder a los registros de los empleadores, hacer cumplir las obligaciones de licencia por enfermedad paga, ordenar el reintegro de empleados que hayan sido despedidos como resultado de la afirmación de los derechos de licencia por enfermedad paga, ordenar el pago de licencias por enfermedad paga negadas ilegalmente e imponer sanciones.

Un empleador que intencionalmente viole los requisitos de la Ley será objeto de una multa civil por el importe de mil dólares (\$1,000) por la primera infracción, mil quinientos dólares (\$1,500) por la segunda infracción, y dos mil dólares (\$2,000) para la tercera infracción y subsiguientes.

PARA PRESENTAR UNA RECLAMACIÓN O POR INFORMACION ADICIONAL

Para solicitar el texto completo de la Ley, para obtener una copia de las reglamentaciones asociadas a esta Ley, para recibir la Ley traducida a otros idiomas, o para presentar una reclamación, visite www.does.dc.gov, llame a la Oficina de Salarios y Horas (Office of Wage and Hour) al (202) 671-1880, o concorra personalmente a 4058 Minnesota Avenue, NE, Suite 4300, Washington, DC 20019. Las reclamaciones deberán ser presentadas dentro de los tres (3) años después del evento en el que se basa la reclamación a menos que el empleador haya omitido publicar el aviso de la Ley.