

DC DEPARTMENT OF EMPLOYMENT SERVICES

# OFFICE OF WAGE-HOUR COMPLIANCE



## 2023 ACCRUED SICK AND SAFE LEAVE ACT STUDY

## **ACRONYM LIST**

ASSLA – Accrued Sick and Safe Leave Act of 2008

BIDs – Business Improvement Districts

BLS – Bureau of Labor Statistics

DCHR – District of Columbia Department of Human Resources

DCPS – District of Columbia Public Schools

DLCP – Department of Licensing and Consumer Protection

DOES – Department of Employment Services

ESSLA – Earned Sick and Safe Leave Amendment Act of 2013

HUBZone – Historically Underutilized Business Zones

OAG – Office of the Attorney General

OAH – Office of Administrative Hearings

OWH – Office of Wage-Hour

RAMWA – Restaurant Association of Metropolitan Washington

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## EXECUTIVE SUMMARY

From July 15 to August 9, 2024, Bayne Limited Liability Company conducted a web-based survey (N=933), two roundtables, and two semi-structured interviews with officials from the government of the District of Columbia (District Government). The research was conducted to support Section 16 of the Accrued Sick and Safe Leave Act of 2008 (ASSLA), which requires the District Government to conduct an annual audit of a sample of District businesses to evaluate (1) businesses' compliance with the posting requirements, and (2) whether companies are using staffing patterns to circumvent the intention of ASSLA, and the Earned Sick and Safe Leave Amendment Act of 2013 (ESSLA).

Additionally, the research sought to identify any impact ASSLA and ESSLA have had on the private sector and gauge the overall effectiveness of the District Government's efforts to enforce compliance. The research team conducted more in-depth research into the construction, cosmetology, daycare, education, and security industries to evaluate whether industry-specific factors impacted compliance.

The survey started with a required eligibility question. Depending on each respondent's answers, the online survey would present either employee-track questions or business-track questions. The employee track included 13 questions, and the business track included 20 questions.

The sampling frame consisted of owners of businesses that operated in the District of Columbia (the District) during 2023 and individuals who were employed in the District during 2023. The survey was distributed via email and SMS messaging to a database of District businesses compiled from the District of Columbia Paid Family Leave database. The survey was distributed to 12,000 contacts.

Overall, the survey yielded 933 responses. Out of these, 99 were ineligible to complete the

survey because they did not own or work for a business in the District in 2023. Because ASSLA/ESSLA does not apply to self-employed business owners or federal employees, those respondents—71 and 18, respectively—were disqualified. One hundred and seventy-three (173) self-certified business owners and 572 self-certified employees completed the survey.

Two roundtable discussions were conducted to gather insights from participants who responded to the ASSLA survey. The participants for these roundtables were selected based on their willingness to contribute, as indicated by their response to a question at the end of the survey.

The primary objective of these roundtables was to deepen the understanding of employers' and employees' knowledge of ASSLA and to identify any unique challenges faced by employees and employers in different sectors that might impact compliance with the law.

To accommodate participants' schedules and preferences, the roundtables were held in two formats, a virtual session conducted via Zoom for convenience and accessibility; and an in-person session, held at a location easily accessible by public and private transportation. Both sessions took place during the evening to ensure greater participation. Participation was highest at the in-person session.

Special emphasis was placed on including representatives (business owner/employer and employees) from the construction, cosmetology, daycare, education, and security industries, as these sectors/industries were identified as key focus areas. Representatives from multiple industries were in each session.

At the beginning of each session, participants identified their industry and their role as an employee or employer (business owner). Despite outreach efforts, representatives from

the construction, cosmetology and daycare sectors/industries did not attend either roundtable session. Participants were from the following sectors/industries: administrative, education, public sector (District Government), healthcare, technical services/professional, and hospitality/food service.

To assess/gauge the performance of various District Government agencies in protecting workers' rights and enforcing the provisions of ASSLA, semi-structured interviews were conducted with designated government officials involved directly in the administration or enforcement of ASSLA/ESSLA laws. Officials from the Department of Employment Services Office of Wage-Hour (DOES/OWH), and the Office of the Attorney General (OAG) were interviewed, as these are the two agencies directly responsible for enforcing the provisions of ASSLA. The interviews were conducted virtually, and questions were provided to the interviewees before the interview.

The questions were designed to identify cross-agency collaborations, industry/sector trends, and efforts/initiatives to pursue compliance with the provisions of ASSLA.

## **Key Findings**

### **Survey Results**

1. There is a gap between employer and employee reporting of paid leave benefits and compliance with displaying the ASSLA/ESSLA poster in the workplace.
2. ASSLA/ESSLA has had little impact on businesses in the District.
3. The percentage of employees reporting that they performed work for which they were not paid has increased dramatically over recent years.

## **Roundtables**

1. District government employees were most knowledgeable about ASSLA provisions.
2. Employees working remotely in the District of Columbia, with international employers and employers outside of the District of Columbia were less likely to be aware of ASSLA provisions.
3. There was some awareness of a DOES/OWH outreach campaign and participation in various District government-sponsored public events in 2023.

## **Staff Interviews**

1. Both officials view their organization as doing a good job using the fullest extent of the law to enforce the provisions of ASSLA. They both also identified the construction industry/sector as having challenges complying with ASSLA laws.
2. A growing area of compliance and enforcement matters involves wage theft violations. This can include cases where employers underpay workers, fail to pay overtime, misclassify employees as independent contractors, or withhold wages illegally.
3. Interagency collaboration occurs as needed, with OAG having statutory authority to bring lawsuits.

## **Recommendations**

- DOES should increase outreach to employers with remote employees working in the District, perhaps through partnerships with third-party payroll/personnel vendors.
- DOES should collaboratively engage in public-facing employer-based targeted information and outreach campaigns to industries that have challenges complying with ASSLA laws.

# INTRODUCTION

## Background

### **The Accrued Sick and Safe Leave Act of 2008**

In March 2008, the District of Columbia (DC) Council passed the Accrued Sick and Safe Leave Act of 2008 (ASSLA), which required employers to provide Paid time off (PTO) to all employees who spend at least 50% of their work time in the District. After going through the mandatory congressional review process and being signed by former DC Mayor Adrian Fenty, the law took effect on November 13, 2008.

ASSLA requires that employers provide a certain amount of accrued paid leave to their employees based on business size:

- An employer with 100 or more employees must provide 1 hour of paid leave for every 37 hours worked, not to exceed 7 days per year;
- An employer with 25 to 99 employees must provide 1 hour of paid leave for every 43 hours worked, not to exceed 5 days per year; and
- An employer with 24 or fewer employees must provide 1 hour of paid leave for every 87 hours worked, not to exceed 3 days per year.

(Note: Employers are not required to have separate “sick leave” and “personal leave” policies. They can combine all leave types into one policy, if it meets the minimum requirements specified in ASSLA.)

Under the original ASSLA, businesses were not required to provide paid leave to independent contractors, full-time students who work less than 24 hours per week at the college or university that they attend, healthcare workers who participate in premium pay programs, tipped restaurant employees, or employees who work less than 1,000 hours per year.

Furthermore, while employees began accruing sick leave from the first day of employment, they were not eligible to use their sick leave until after completing their first year of employment.

ASSLA allows workers to use their mandated leave to care for themselves or a family member. For the purposes of ASSLA, a family member is defined as a spouse or domestic partner, parent, parent of a spouse, children or grandchildren, spouses of children, siblings, and the spouses of siblings.

Under ASSLA, a worker's unused sick leave is carried over from year to year, but employers are not required to pay a worker more than the maximum amount of sick leave allowed for that year, in that year.

### **The Earned Sick and Safe Leave Amendment Act of 2013**

In February 2013, the DC Council passed the Earned Sick and Safe Leave Amendment Act of 2013 (ESSLA). The law became effective on February 22, 2014, and modified ASSLA in a number of significant ways. ESSLA reduced the probationary period for use of sick leave from 12 months to 90 days. It also extended protection to employees working in restaurants and bars who receive tips, commissions, or other gratuities, and receive a base wage that is below the DC minimum wage.

### **Objectives & Additional Research Questions**

The primary purpose of this study is to comply with Section 16 of ASSLA, which requires an audit of a sample of DC businesses to determine their compliance with posting requirements and whether companies are utilizing staffing patterns to circumvent ASSLA's intent. The three primary objectives of this study were to:

1. Assess the economic impact of ASSLA on the private sector.
2. Gauge the compliance level of DC-based businesses with the requirement to post a notice advising employees about ASSLA.

3. Determine if businesses are using staffing patterns to circumvent the intent of the law.

Additionally, this study seeks to accomplish the following secondary objectives:

1. Determine whether the Department of Employment Services (DOES) and other agencies are adequately protecting workers' rights and enforcing ASSLA's provisions.
2. Provide additional insights about compliance in five focus industries (construction, childcare, education, cosmetology, and security).
3. Determine if there are significant differences between employee and employer perspectives of both the law and employer compliance levels.

## **Methodology**

Bayne developed a web-based survey that included questions for both employees and business owners or executives (Appendix A). Respondents were required to self-certify as an owner or manager of a District-based business in 2023 or that they were employed for more than 90 days in the District in 2023. Participants who asserted that neither condition applied to them were routed to a disqualification page and not allowed to continue the survey.

Participants who self-certified as employees were asked 13 questions that gathered information about their employment, pay, allotted leave, knowledge of their rights, and compliance of their employer. Participants who self-certified as business owners were asked 20 questions that gathered information about their business, knowledge of the law, and compliance with the law.

The survey was initially distributed through email and text messages. The Department of Employment Services (DOES) provided a spreadsheet that contained approximately 7,000

valid email addresses and 12,000 phone numbers. Each contact received weekly invitations between July 15 and August 8, 2024. A corresponding text message was also sent twice to those business contacts whose primary number was connected to a mobile device.

While 933 people responded, only 173 qualified as self-certified employers and 572 qualified as self-certified employees. Ninety-nine respondents did not certify as either an employer or an employee and were not allowed to continue the survey. Because ASSLA/ESSLA does not apply to federal employees (18 respondents) or self-employed business owners with no other employees than themselves (71 respondents), those respondents were also not allowed to continue.

## **SURVEY RESULTS**

Bayne developed a survey that included questions for both employers and employees about their workplace experiences in 2023 (Appendix A). Participants who self-certified as employees were asked 13 required questions that gathered information about their employment, pay, allotted leave, knowledge of their rights, and the compliance of their employer. Employers were asked 20 questions that gathered information about their businesses, knowledge of the law, and compliance with the law. Both the employers and the employees were asked to provide contact information if they were willing to participate in roundtables.

The survey was initially distributed through email and text message. DOES provided a spreadsheet that contained approximately 7,000 valid email addresses and 12,000 phone numbers. Each contact received a weekly invitation between July 15 and August 8, 2024, and had two weeks to complete the survey. A corresponding text message was also sent twice to those business contacts whose primary number was connected to a mobile device.

Although 933 people completed the survey, only 173 qualified as self-certified employers and 572 qualified as self-certified employees. Ninety-nine respondents did not certify as either an employee or employer and were not allowed to continue the survey. Since federal employees (18 respondents) and self-employed business owners with no employees (71 respondents) are not subject to ASSLA, their information is not included in this report.

This section of the report delivers the results of the online survey to evaluate compliance with the requirements of ASSLA and the perceived economic impact of such compliance.

## **Business Perspective**

The sample size for business owners and operators was 173. Business characteristics — such as the number of employees, years of operation, and revenue — were used to develop a profile for the businesses reflected in the sample. Figure 1 shows a broad distribution of businesses, with hospitality and food services (34), construction (20), real estate and rental leasing (12), other (12), and professional, scientific, and technical services (11) being most prevalent. The survey captured a broad range of businesses and their years in operation (Figure 2). There was a fairly even number of business respondents that have been in operation for 1-4 years (27%), 5-9 years (27%), and 10-19 years (28%), and 18% of respondents indicated they have been in operation for 20 years or more. Four respondents did not answer this question.

## DISTRIBUTION OF BUSINESSES BY INDUSTRY

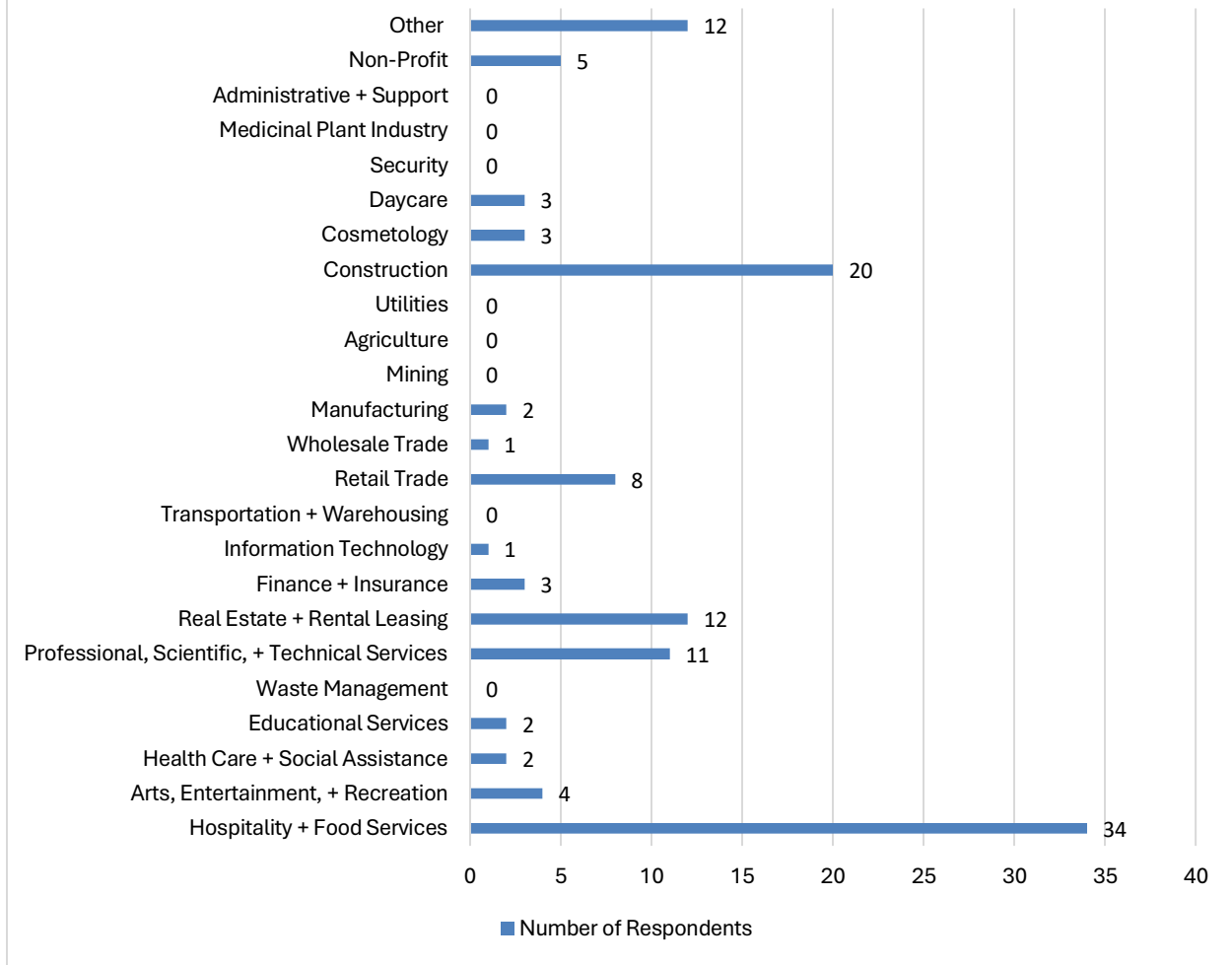
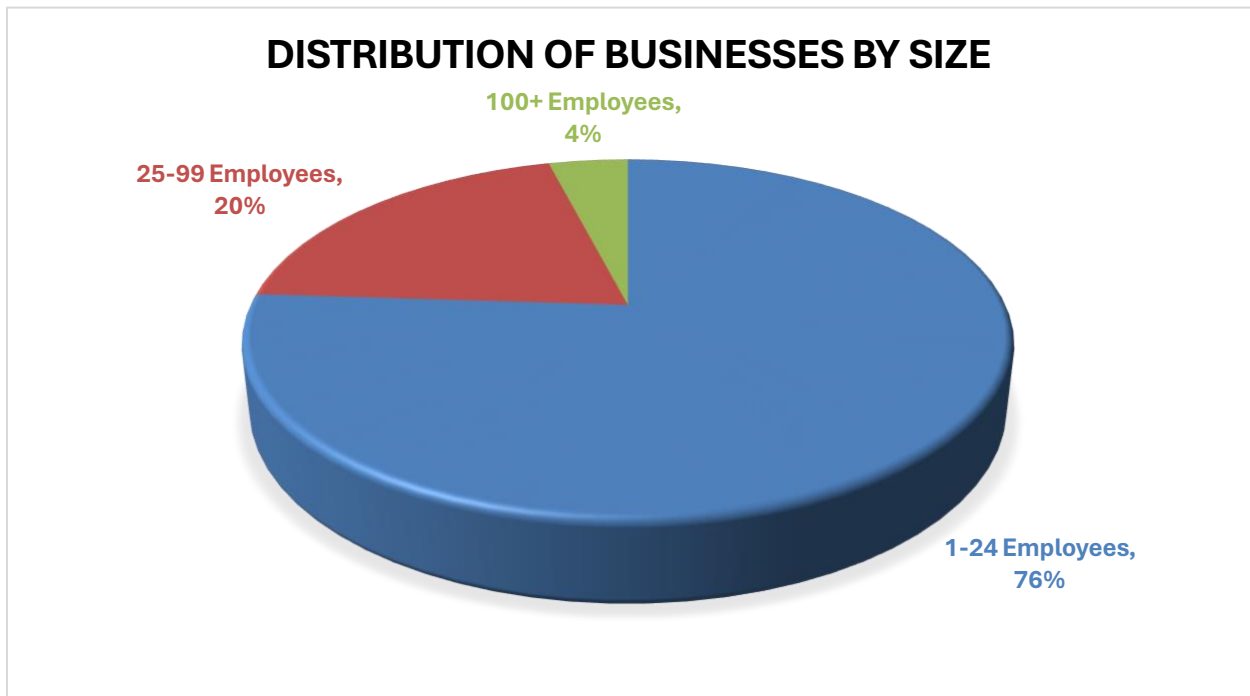


Figure 1: Distribution of Businesses by Industries Surveyed



*Figure 2: Years in Operation of Businesses Surveyed*

The majority of businesses that responded to the survey have 1-24 employees (76%) or 25-99 employees (20%) (Figure 3).



*Figure 3: Distribution of Businesses by Size*

Forty-eight percent (of businesses surveyed reported earning less than \$1 million annually, and 37% earned between \$1 million and \$5 million annually, while 7% earned between \$5 million and \$10 million annually, and 8% earned over \$10 million annually (Figure 4).

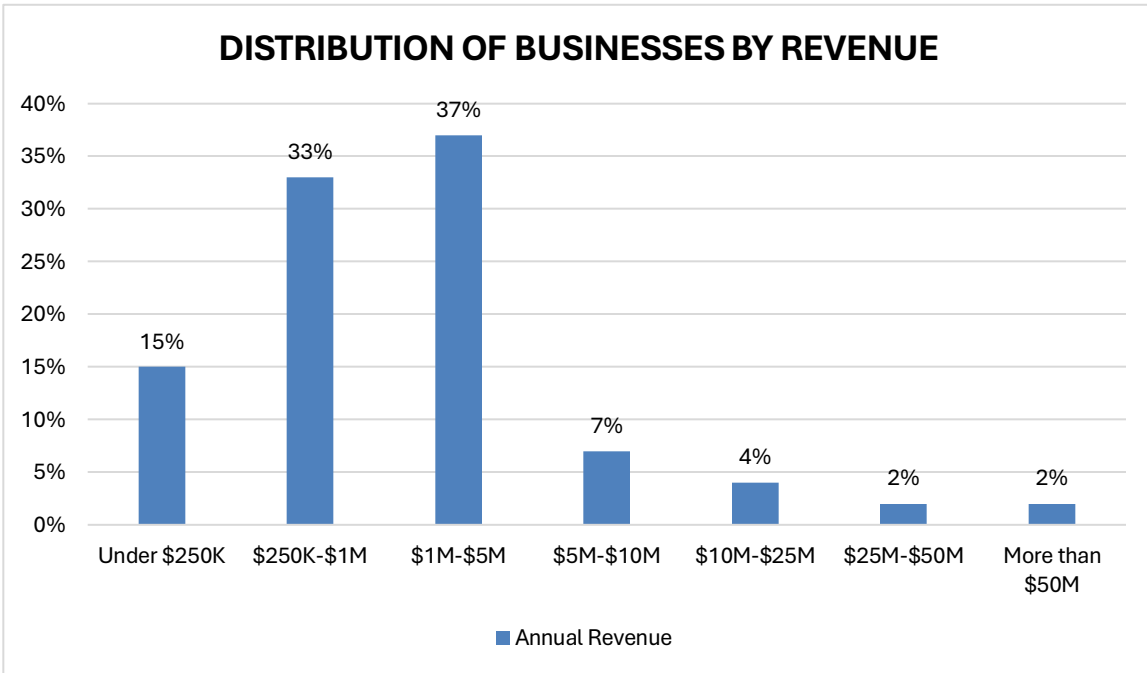


Figure 4: Distribution of Businesses by Revenue

The average business respondent to the survey was a small business with 1-24 employees, has been in operation for 5-9 years and earns less than \$1 million annually.

### Compliance with ASSLA/ESSLA

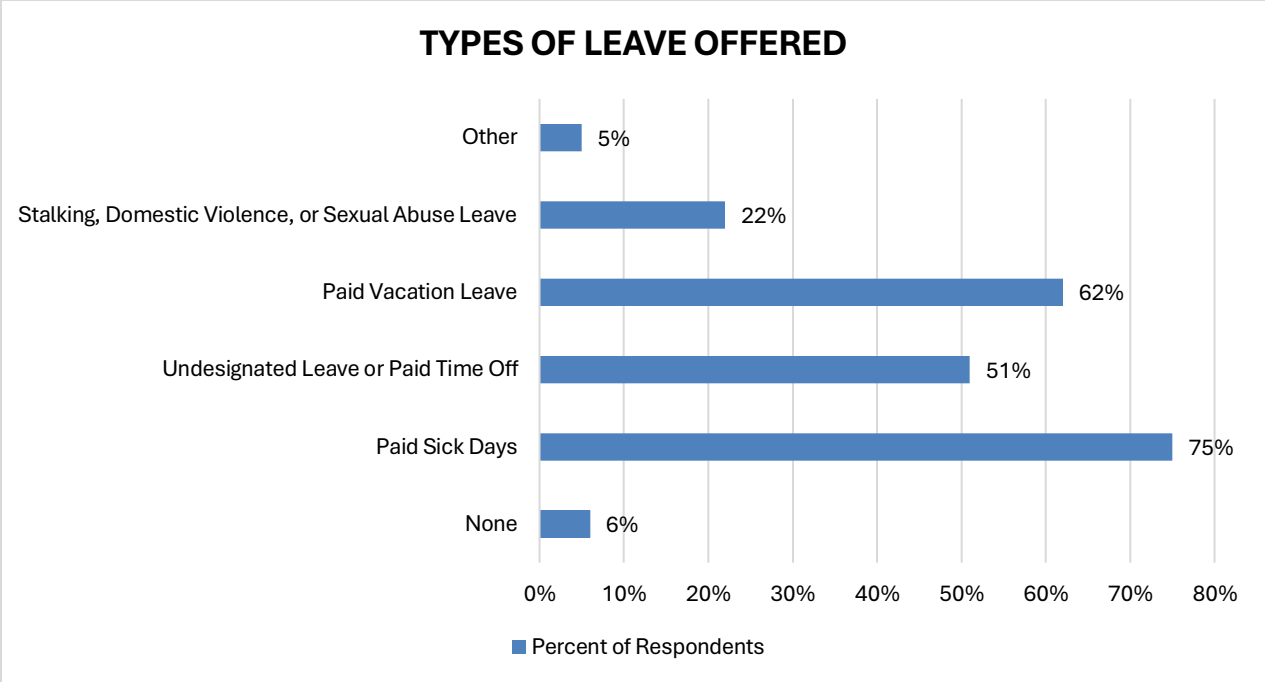
Most employers surveyed (85%) were aware that tipped employees in the District should be paid at least \$10/hour. Eighty-four percent displayed the leave law in their workplaces, an improvement from 2022, when only 69% displayed the poster. The most common way employers learned about ASSLA/ESSLA was from the DC Government website (45%).

Ninety-four percent of employer respondents offered leave benefits (up from 85% in 2022), while 6% offered no leave benefits to employees (Figure 5). These results indicate a continued increase in overall leave rates since 2019. The overall leave rates reported in the 2019-2022 ASSLA reports were 51.79%, 74.6%, 83%, and 85%, respectively).

The most common leave benefits offered in 2023 were paid sick days (75%), paid vacation leave (62%), and undesignated leave or paid time off (51%) (Figure 5), a significant increase from 2022, when 45% of employers responded that they offered paid vacation leave, 34% offered undesignated or paid time off, and 31% offered paid sick days. A positive trend this survey reveals is that more employers seem to be offering paid leave benefits; in the 2019 ASSLA Report, 27% of employers responded that they did not offer any leave benefits, compared to 21% in 2020,<sup>1</sup> 17% in 2021, 15% in 2022, and only 6% in 2023.

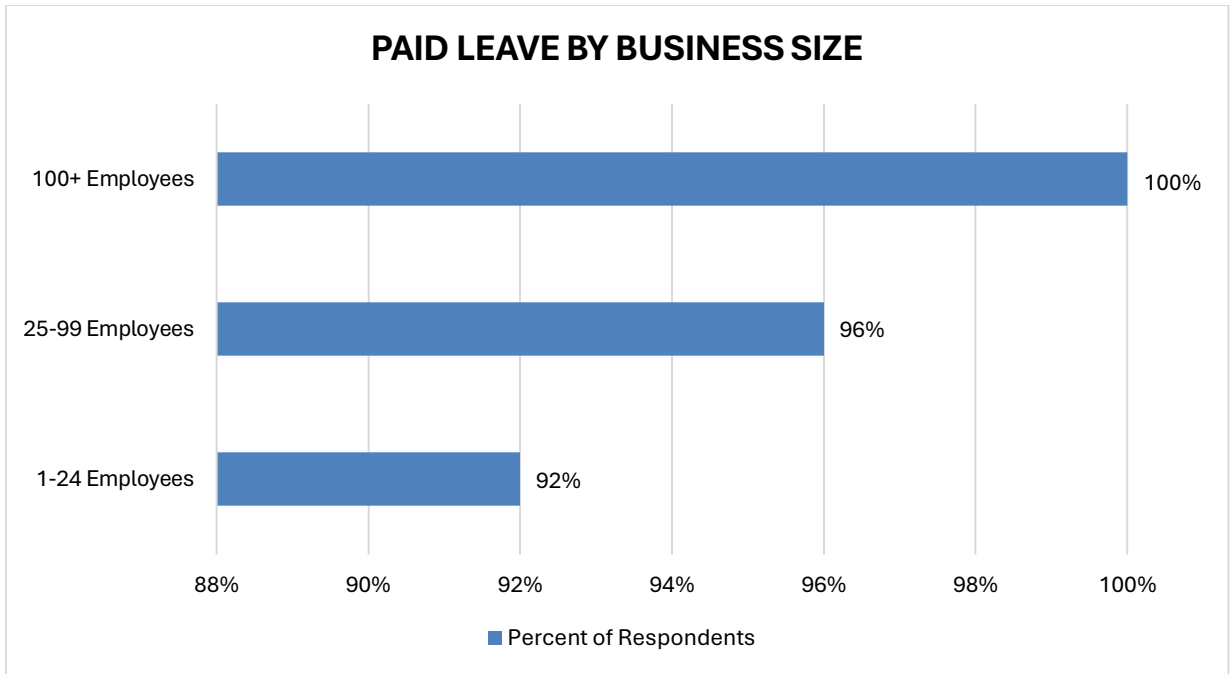
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<sup>1</sup> Department of Employment Services, Office of Wage-Hour Compliance, 2020 Accrued Sick and Safe Leave Act Study Report (2021)  
[https://does.dc.gov/sites/default/files/dc/sites/does/publication/attachments/2020%20ASSLA%20Report%20Final\\_.pdf](https://does.dc.gov/sites/default/files/dc/sites/does/publication/attachments/2020%20ASSLA%20Report%20Final_.pdf); 2021 *Accrued and Sick and Safe Leave Act Study and Report*. District of Columbia Department of Employment Services.  
[https://does.dc.gov/sites/default/files/dc/sites/does/publication/attachments/ASSLA%20Study%20FY21%20FNL\\_3.1.23.pdf](https://does.dc.gov/sites/default/files/dc/sites/does/publication/attachments/ASSLA%20Study%20FY21%20FNL_3.1.23.pdf);  
2022 *Accrued and Sick and Safe Leave Act Study and Report*. District of Columbia Department of Employment Services.  
[https://does.dc.gov/sites/default/files/dc/sites/does/publication/attachments/2022%20ASSLA%20Study\\_OPA%20Final.pdf](https://does.dc.gov/sites/default/files/dc/sites/does/publication/attachments/2022%20ASSLA%20Study_OPA%20Final.pdf)



*Figure 5: Types of Leave Benefits Offered by Employers Surveyed*

Because 22% of self-certified employers did not indicate the size of their business and were thus excluded from the business size data, the results may be skewed. The trend in the 2019-2022 ASSLA reports was the larger the business, the more generous the paid leave. In 2023, 100% of businesses with 100 or more employees offered leave, but small and medium businesses compared favorably with 92% and 96% offering leave, respectively (Figure 6).



*Figure 6: Paid Leave by Business Size*

The trend from the 2019-2021 ASSLA reports indicated that the longer a business had been operating, the more likely it would offer paid leave. This was not the case in 2022 and in 2023, as many employers operating for fewer years offered paid leave at a rate equivalent to or above older businesses. In 2023, 93% of businesses operating 1-3 years offered leave, and 93% of businesses operating four or more years offered leave (Figure 7).

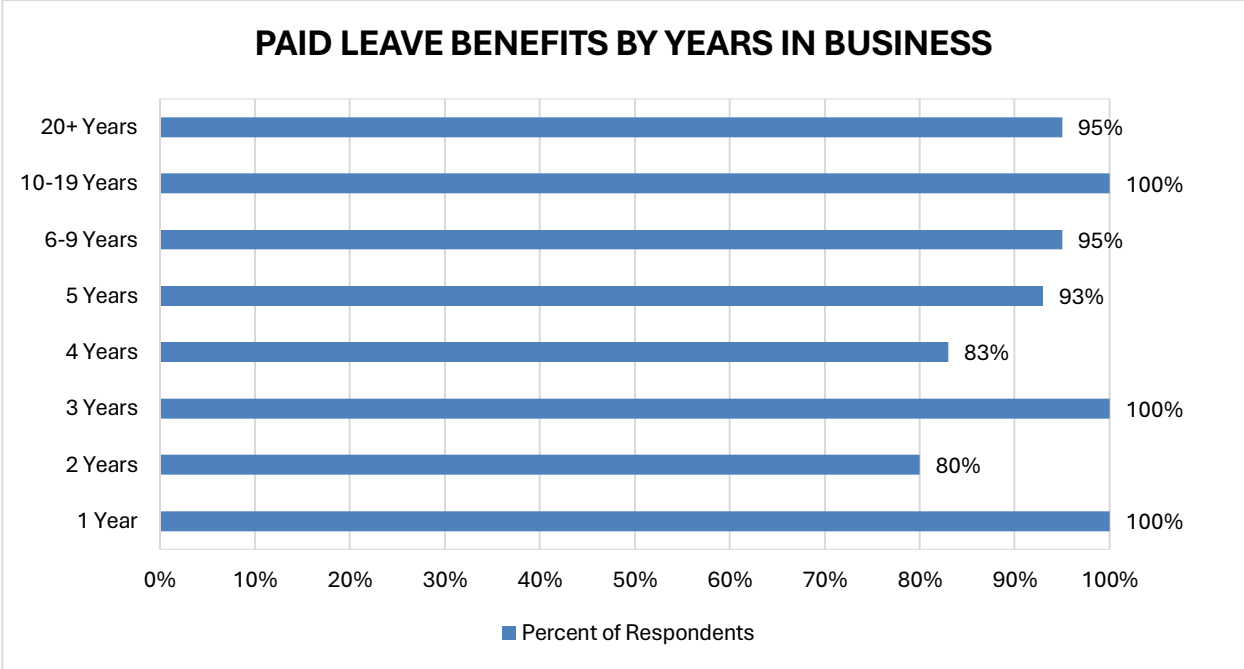


Figure 7: Paid Leave Benefits by Years in Business

In the 2019-2022 ASSLA reports and in this study, displaying the ASSLA/ESSLA poster in the workplace correlated with the size of the business and with the number of years in operation. This trend held true for the number of employees, but not for the number of years in business. In 2023, all 5 businesses employing 100+ people displayed the poster, and 88% of businesses employing 25-99 employees displayed the poster compared to 83% for smaller businesses (Figure 8).

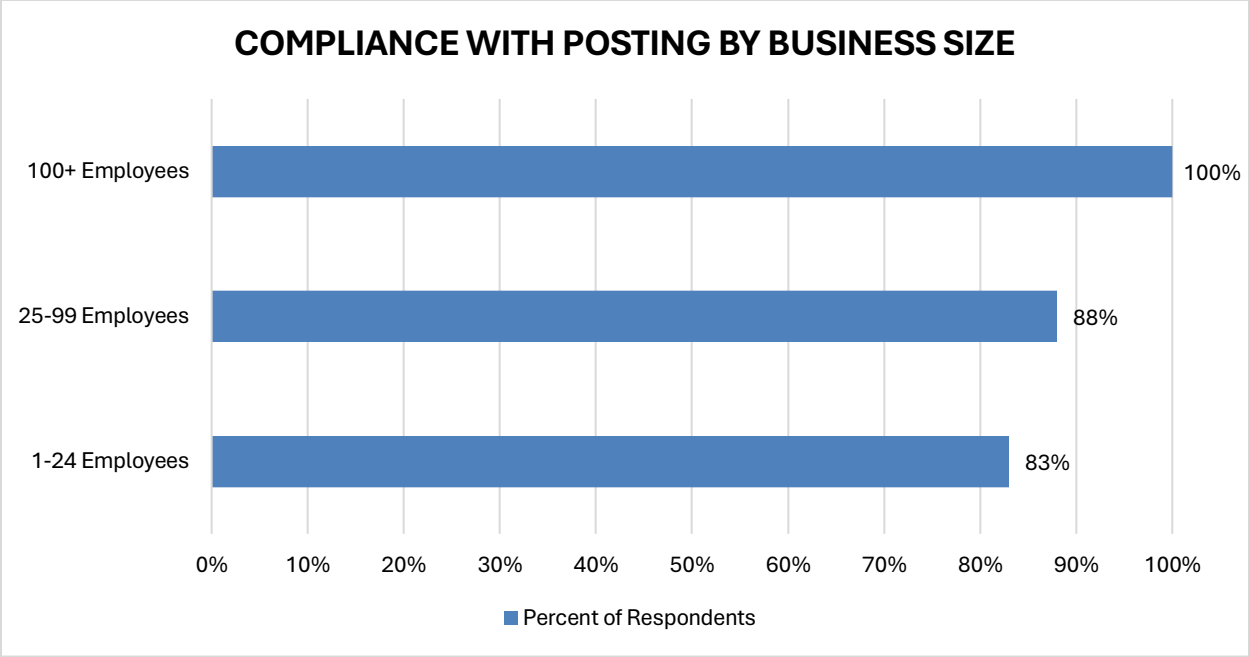
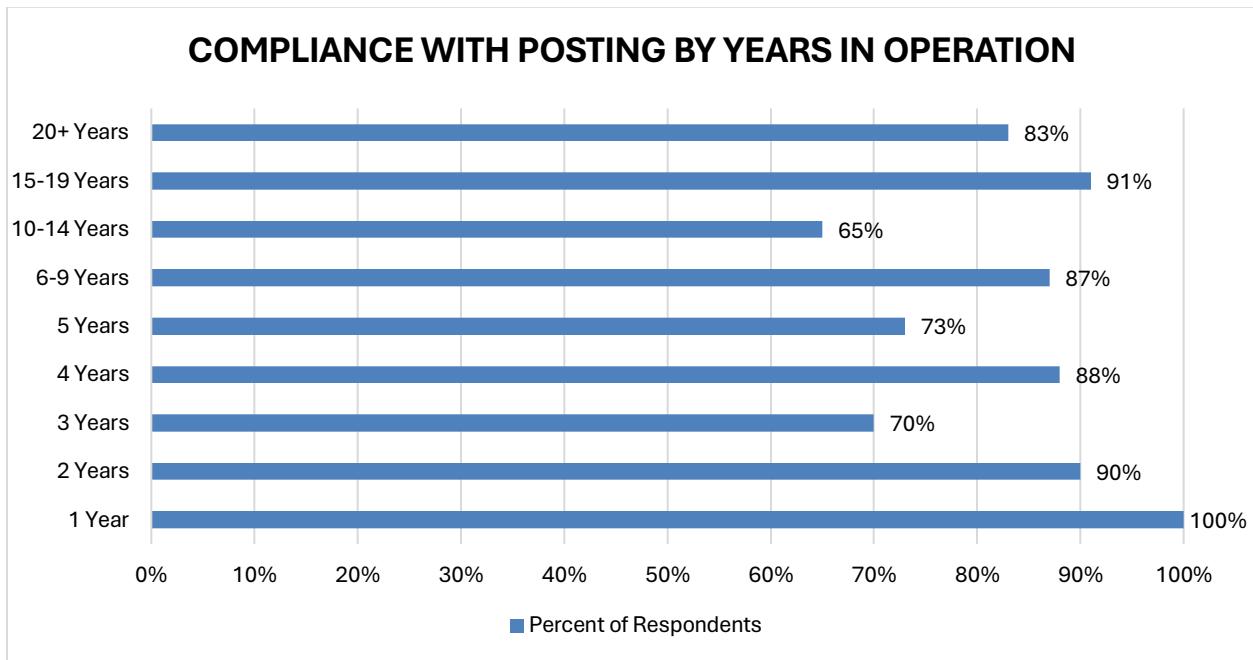


Figure 8: Compliance with Posting by Business Size

Younger businesses were not as likely as more established businesses to have displayed the poster. Businesses operating for 3 years held the lowest rates 70%. Businesses operating for 1-5 years averaged 84%) compliance, compared to an 88% compliance rate for businesses operating for 6+ years (Figure 9), though compliance among businesses operating 10-14 years dipped to 65%.



*Figure 9: Compliance with Posting by Years in Operation*

Compared with previous years, compliance with displaying the ASSLA poster has improved. Eighty-four percent of the 2023 employers displayed the poster, compared to 69% in 2022, 62% in 2021, 55% in 2020, and 51% in 2019. Of employers who did not display the poster, 74% did not contact DC Government to obtain one, and 46% said they did not know that a poster was available.

With the exception of 2022, when 45% of employers reported changing/diminishing their leave benefits, employers rarely changed said benefits before or after 2022: in 2020, only 13% made changes; in 2021,<sup>2</sup> 8%; and in 2023, 18%. Similarly, employers seldom changed salaries and leave benefits in anticipation of losses due to ASSLA/ESSLA. Only 16% of the employers surveyed made changes to their employees' salaries and benefits to offset the possible negative impact of ASSLA/ESSLA. In 2022, almost half of employers reduced employees' salaries, benefits, and bonuses (48%), but in 2023, the few employers who made changes resorted to: a combination of changes (8%): reducing

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<sup>2</sup> *ibid*<sup>3</sup> *ibid*

salaries, raises, or bonuses (7%); converting paid vacation time paid time off or paid sick days (2%); and reducing vacation time accrual (2%) (Figure 10). In 2022, 47% of employers offsetting ASSLA through changes appears to be an aberration. By contrast, in 2020, 92% of employers reported making no changes to benefits to offset ESSLA/ASSLA; in 2021,<sup>3</sup> 94% made no changes to offset ESSLA/ASSLA; and in 2023, 84% of employers made no changes to offset the law.

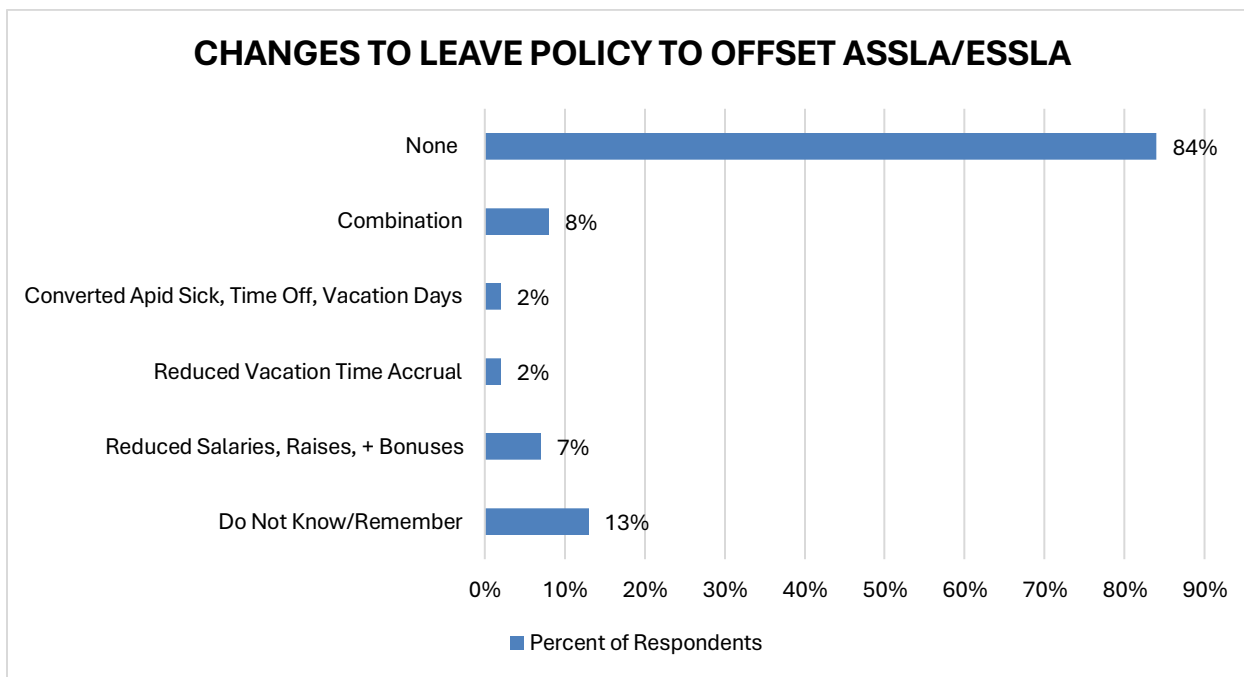


Figure 10: Changes to Leave Policy to Offset ASSLA/ESSLA

### Economic Impact of ASSLA

Five survey questions (Questions 30 – 34, see Appendix A) asked employers to assess ASSLA/ESSLA’s impact on employee performance, turnover, and business profitability. Some employers surveyed did not know if the leave laws had an impact on their business: 25% did not know if it impacted employee performance; 65% did not know if it impacted employee turnover; and 24% did not know if it impacted profitability. Relatedly, 38% of

<sup>3</sup> ibid

employers reported no impact on employee performance, 65% reported no impact on employee turnover, and 48% reported no impact on profitability. In terms of ASSLA's impact on employee performance, 38% of employers responded, "about the same," with much better and much worse (both 8%) a distant second. However, 24% of employers felt ASSLA decreased the profitability of their business (Figures 11-13).

Looking at performance, turnover, and profitability by the size of the business is noteworthy. Employers of businesses with 100 or more employees did not report a change in employee performance, but smaller businesses reported on average an 11% worse performance and an 8% better performance, with businesses of 1-24 employees reporting 13% better, and businesses of 25-99 employees reporting 4% better.

While the largest businesses did not feel that ASSLA/ESSLA increased or decreased employee turnover, 6% of businesses with 1-24 employees and 8% of businesses with 25-99 employees reported increased turnover; and only businesses with 1-24 employees reported that ASSLA/ESSLA decreased employee turnover (2%). Larger businesses felt more strongly that ASSLA/ESSLA decreased their profitability: 20% for businesses with 100 or more employees and 38% for businesses with 25-99 employees, compared to 20% for businesses with 1-24 employees. Relatedly, only businesses with 1-24 employees felt that ASSLA/ESSLA increased their profitability (4%). Perhaps these differences come down to the inability of an employer to monitor performance, turnover, and profitability in a large business. Or, possibly, employees in small businesses would not expect leave benefits, and the employer of a small business offering leave benefits would be perceived by the employee as a plus, resulting in improved performance and less turnover.

### ASSLA/ESSLA IMPACT: EMPLOYEE PERFORMANCE BY BUSINESS SIZE

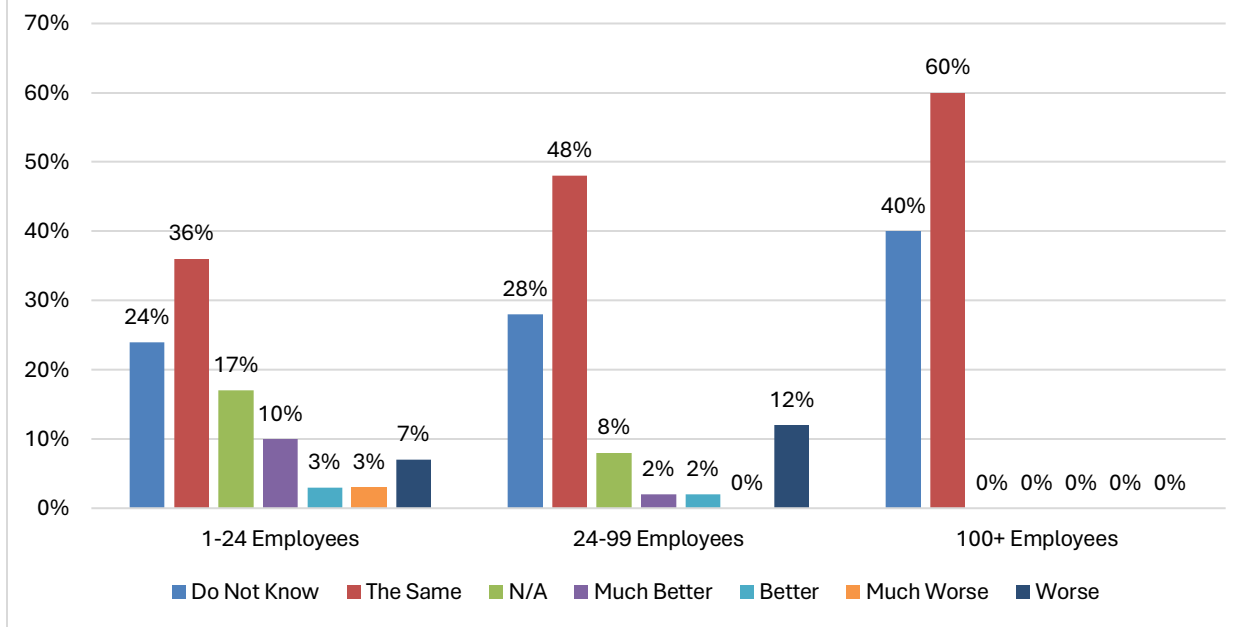


Figure 11: ASSLA/ESSLA Impact on Employee Performance by Business Size

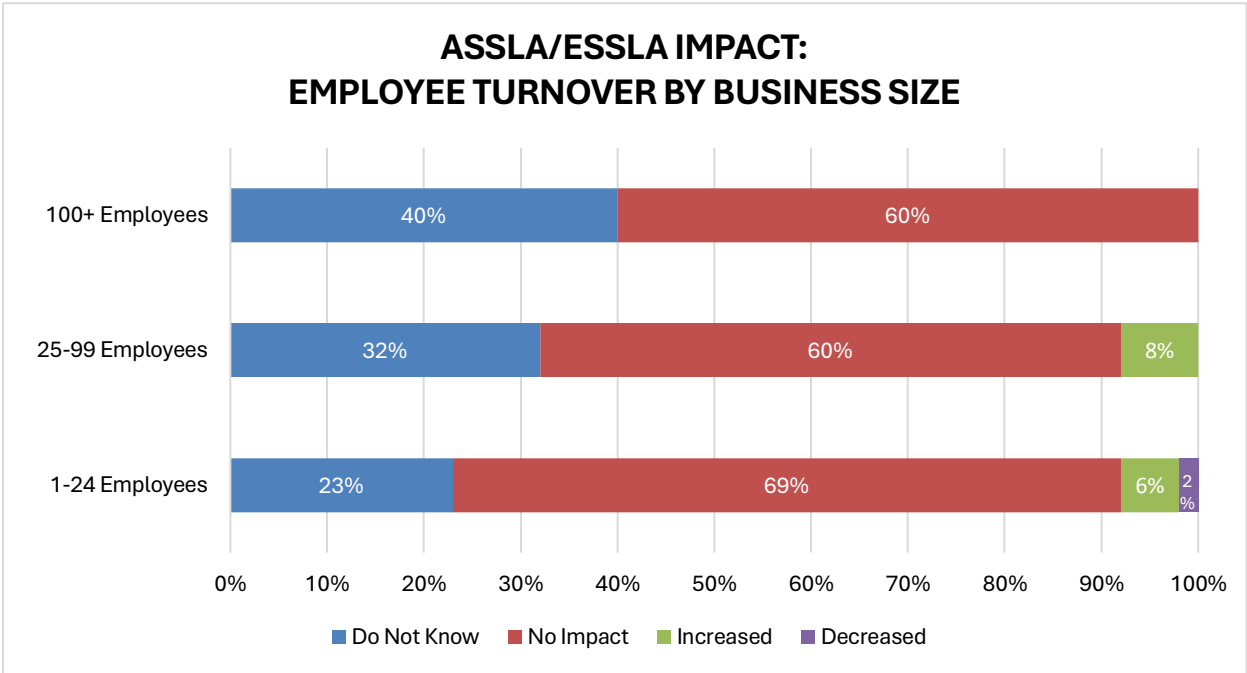


Figure 12: ASSLA/ESSLA Impact on Employee Turnover by Business Size

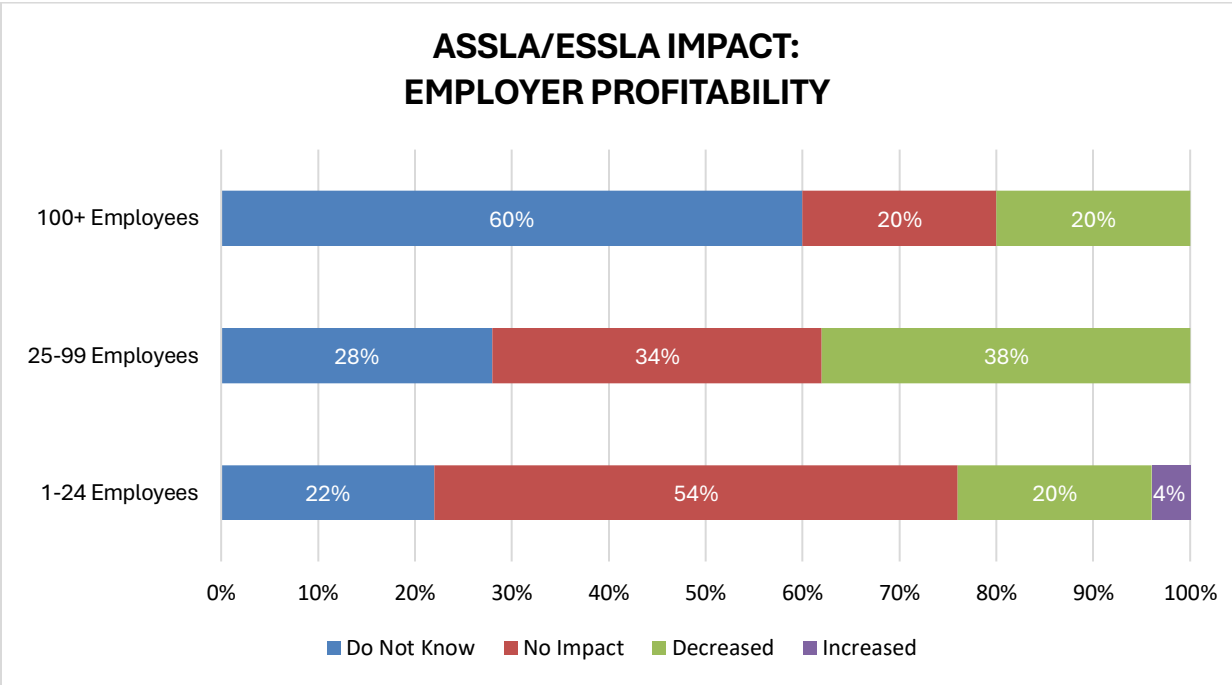
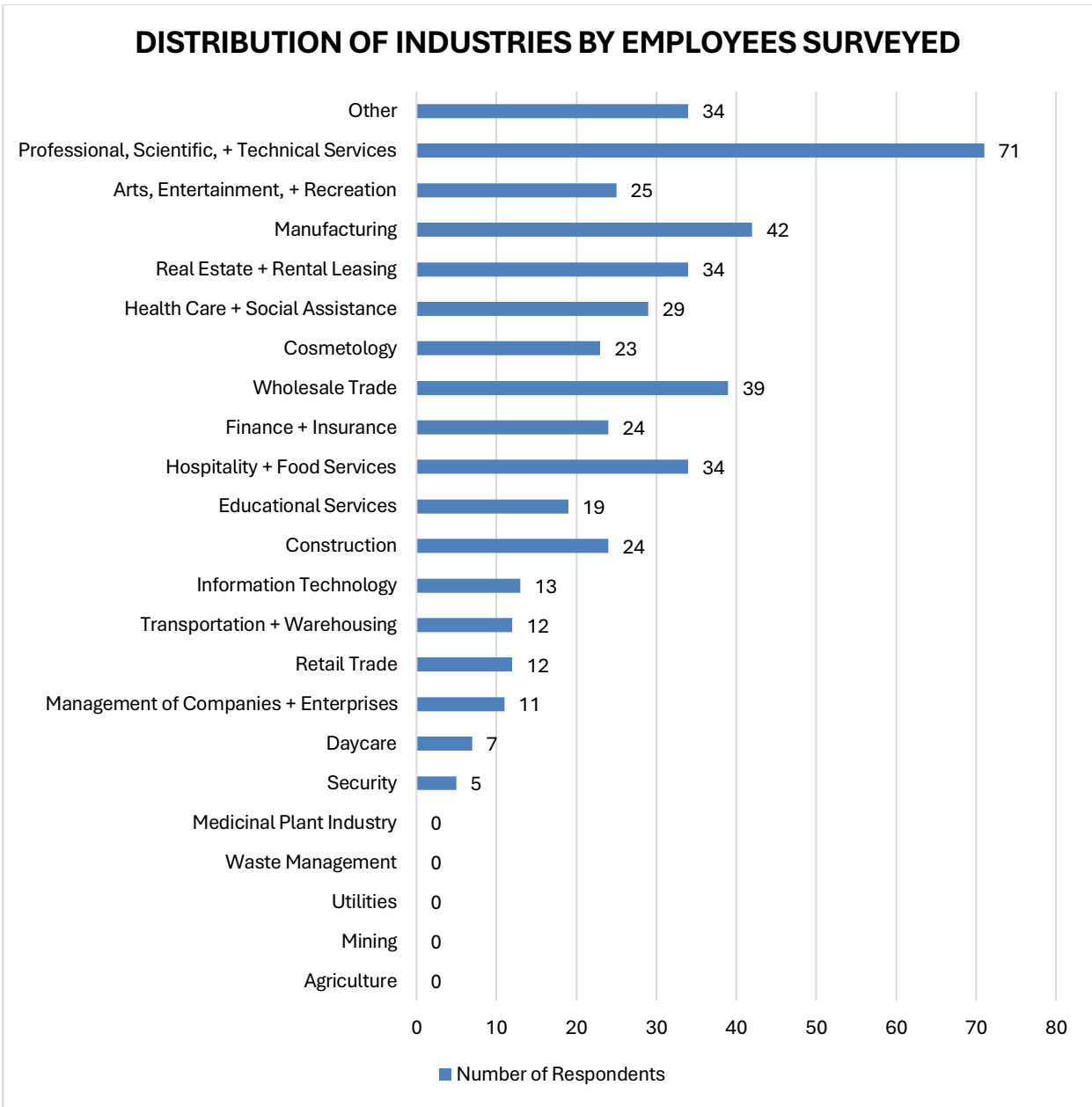


Figure 13: ASSLA/ESSLA Impact on Employer Profitability

## **Employee Perspective**

The 572 employee respondents represented a cross-section of the employment landscape. As shown in Figure 14, the largest number of responses came from Professional, Scientific, and Technical Services (71); Manufacturing (42); Wholesale Trade (39); Real Estate and Rental and Leasing (34); Hospitality and Food Services (34); and Health Care and Social Assistance (29). The most common response for “other” was “nonprofit” (67%).



*Figure 14: Distribution of Industries by Employees Surveyed*

Thirty-nine percent of the respondents were paid weekly, 32% were paid bi-weekly, and 19% percent were paid twice per month (Figure 15); 88% received itemized statements when they were paid, an increase from 83% in 2021 and 82% in 2022, but a decrease from 94% in 2020.<sup>4</sup>

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<sup>4</sup> *ibid*

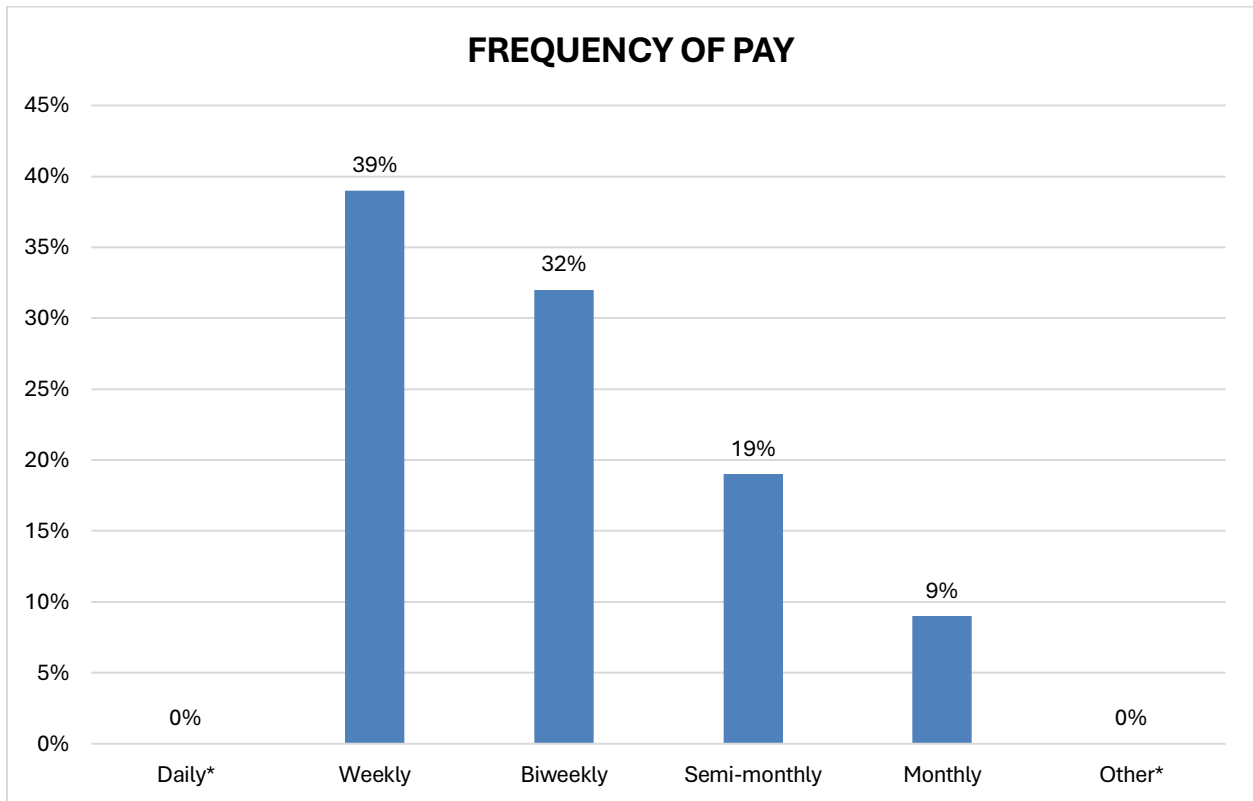


Figure 15: Frequency of Surveyed Employees' Pay  
 (\*= Less than 0.05%)

## Compliance with ASSLA/ESSLA

Whereas forty-nine percent of the 2022 respondents did not know that their employer was required to offer paid leave for absences associated with stalking, domestic violence, or abuse, 81% of 2023 respondents did know about the paid leave policy. Most employees indicated that their employer offered paid leave (90%). Sixty-three percent of respondents noted that the requirements for ASSLA/ESSLA were displayed at their worksite, an improvement over 2022's 41%.

Typically, there is a discrepancy between what employers and employees report about ASSLA compliance. In 2020, 35% of employees and 30% of employers were aware that

employees were supposed to be paid \$5.00/hour; While 81% of employees surveyed in 2022 knew that tipped employees were supposed to receive at least \$8.00/hour standard pay, only 59% of employees surveyed in 2023 knew that tipped employees were now supposed to receive \$10.00/hour standard pay. 43% of employees and 68% of employers were aware that paid leave should be offered for domestic violence or abuse; and 48% of employees versus 55% of employers reported that the ASSLA poster was displayed in their workplace.<sup>5</sup> The 2021 survey does not align exactly with previous surveys, so, an exact comparison with prior years is limited. Yet, in 2021, only 47% of employees and 64% of employers knew that leave must be provided for domestic violence or abuse; and 50% of employees versus 62% of employers reported that the ASSLA poster was displayed in their workplace.

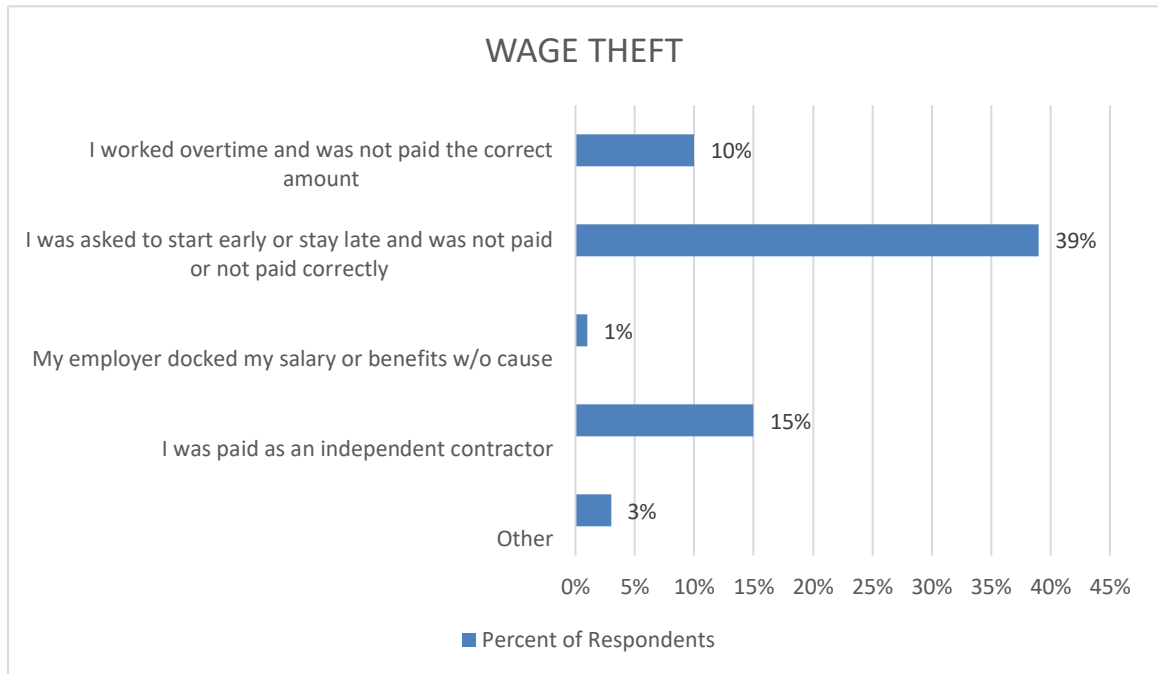
The percentage of employees reporting that they performed work for which they were not paid has increased dramatically. According to prior ASSLA reports, it was less than 1% in 2019, 7% in 2020<sup>6</sup> and 10% in 2021. But in the 2022 survey, 56% of surveyed employees claimed to have experienced wage theft, and in 2023, 50% of respondents noted that they had lost wages either through improperly paid overtime (10%), non-payment or incorrect payment for starting early or leaving late (39%), or through their pay being docked without cause (1%). (Figure 16). Relatedly, the number of employees reporting that they received an itemized statement of their earnings each pay day declined, from 98% in 2019 to 94% in 2020,<sup>7</sup> to 83% in 2021, and to 82% in 2022, before rising to 88% in 2023.

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<sup>5</sup> *ibid*

<sup>6</sup> *ibid*

<sup>7</sup> *ibid*



*Figure 16: Wage Theft Reported by Employees Surveyed*

## Focus Industries

Employers from the focus industries represented 16% of total employer respondents, and employees from focus industries represented 12% of total employee respondents. The 28 employer respondents from the focus industries came from the following industries: construction (21), cosmetology (2), education (2), daycare (3), and security (0). The 70 employee respondents from the focus industries came from the following industries: construction (15), cosmetology (23), education (20), daycare (7), and security (5). Among the 5 focus industries for this report — construction, cosmetology, education, daycare, and security —86% of employers reported offering paid leave, while 89% of employees reported receiving paid leave (Figures 17 and 18, respectively), somewhat lower when compared to the total employer response rate of 94% and employee response rate of 94%.

While 67% of employees surveyed indicated they had experienced wage theft, employees in the focus industries indicated lower wage theft rates, except for daycare workers, (88% of whom reported wage theft). There was a gap between the reporting rates for displaying

the ASSLA/ESSLA poster in the workplace: 84% of total employers surveyed versus 37% of total employees surveyed. Similarly, 86% of focus industry employers reported posting the ASSLA/ESSLA posters versus 43% of focus industry employees, with only 20% security employees and thirty 30% of education employees reporting that the sign was posted.

Except for the daycare industry, employers and employees in the focus industries report diverging numbers of paid leave benefits (Figures 17 and 18, respectively). There is a 20% difference between education employers and employees and 6% difference between construction employers and employees, with the employers reporting higher rates than the employees in both industries. Cosmetology employees noted a 29% higher rate of leave than cosmetology employers, an aberration that is likely attributable to the fact that the employers and employees may work in different businesses. It is not possible to compare employer and employee responses for the security industry as no employers responded; 60% of security employees reported being offered paid leave.

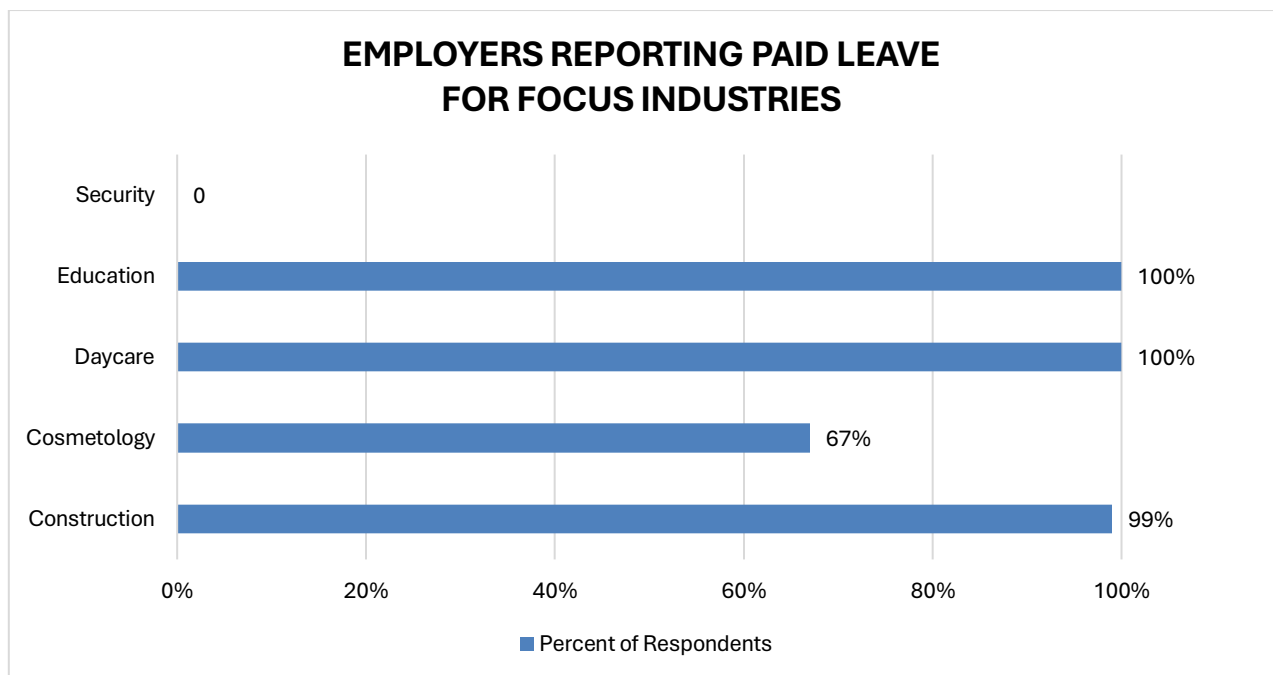
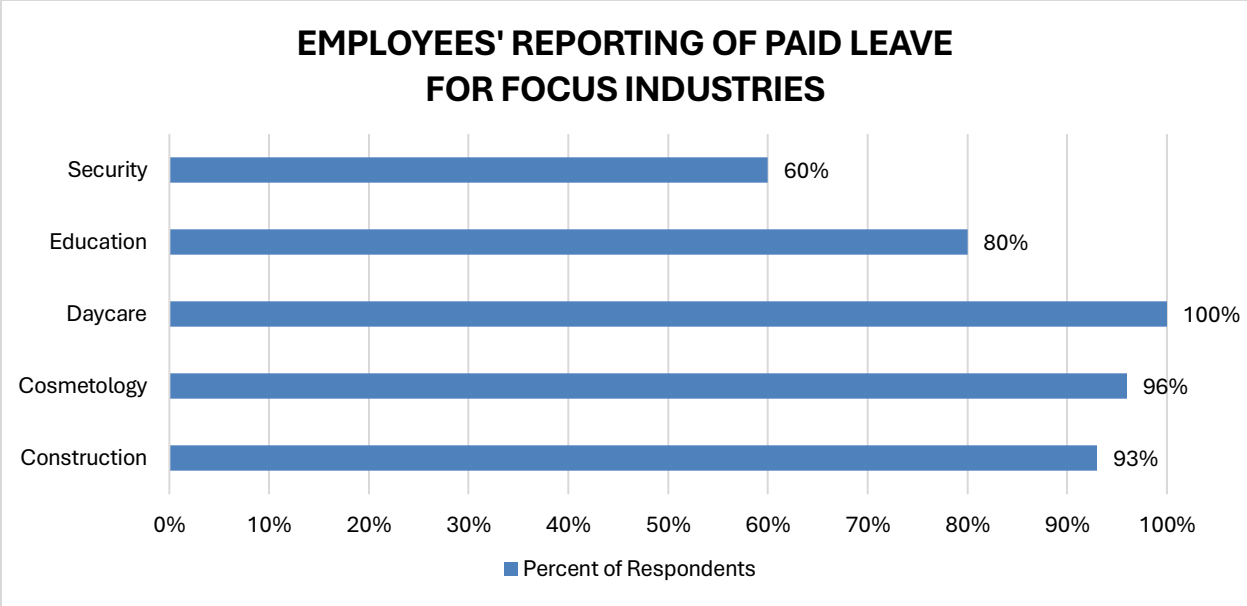


Figure 17: Employers Reporting of Paid Leave for Focus Industries



*Figure 18: Employees' Reporting of Paid Leave for Focus Industries*

Construction represented the largest share of employer and employee respondents. The average construction business has 1-24 employees (70%). Annual revenue varies widely: six businesses earned under \$250,000; four earned \$250,000-\$1,000,000; six earned \$1,000,000-\$5,000,000; two earned \$10,000,000-\$25,000,000; and one earned \$25,000,000-\$50,000,000. In construction, size and revenue go hand in hand. Seventy-five percent of construction employers said they displayed the ASSLA/ESSLA poster in their workplace, and 70% of them knew that employees were entitled to paid leave for domestic violence and abuse. One employer respondent reported docking worker pay for 1-5 days and another for 11-15 days. Only 15% of employers changed leave to offset the potential impact of ASSLA/ESSLA, but few (10%) could remember what change/s they made.

In terms of ASSLA/ESSLA's impact on employee performance, construction employers responded, "the same" (35%), "better" (30%), or "N/A" (15%) most often. No employer felt the law increased employee turnover; 50% felt the law had no impact, while 25% did not know. Similarly, 50% of respondents felt the law did not impact profitability, while 25% did not know. Ten percent of construction employers indicated that the law decreased profitability.

Construction employee responses diverged significantly for most questions. As for income, half of the construction employees reported earning \$50,000-\$74,999 annually, while the other half split evenly between earning \$75,000-\$99,999 and \$100,000-\$149,999 annually. Only one respondent noted tipping could amount to almost 25% of her/his//their income. Seventy-five percent of construction employees saw the ASSLA/ESSLA poster displayed in their workplace, and 70% of them knew that employees were entitled to paid leave for domestic violence or abuse. Most respondents were paid either weekly (45%) or biweekly (45%), and even though 20% were paid in cash, all received itemized pay stubs. Twenty percent of construction employees reported wage theft, mainly by working overtime and not being paid correctly (75%) or by being asked to come early or stay late and not being paid or being paid incorrectly (25%).

Cosmetology businesses averaged 1-24 employees and earned \$250,000-\$1,000,000 annually; 67% offered paid time off. While all owners were aware that tipped workers should be paid \$10/hour, only 67% displayed the ASSLA/ESSLA poster, and only 67% were aware that employees are entitled to paid leave for domestic violence or abuse. Owners split evenly on ASSLA/ESSLA's impact on employee performance between "N/A," "do not know," and "the same." Thirty-three percent felt the law decreased employee turnover, while the other 67% are split between "do not know" and "no impact." The responses were identical for the law's impact on profitability. Only one respondent reported docking worker pay (for 1-5 days).

The majority of cosmetology employees earned \$25,000-\$49,999 annually (88%); the highest reported salary was \$50,000-\$74,999 annually (12%). All cosmetology employees earned tips, and for some, tips represent up to 25% of their total earnings. Given that tipping is standard practice for cosmetology services, it makes sense that 96% of the employees were aware that tipped employees should receive \$10/hour. While all employees received itemized pay stubs, 92% were paid in cash, most often (75%) monthly. A staggering 88% of cosmetology employees reported wage theft, most commonly (75%)

by being asked to start early or stay late without being paid, being paid improperly, or by working overtime without being paid or being paid improperly (13%). Eighty-eight percent saw the ASSLA/ESSLA poster in their workplace (compared to 67% reported by employers), and 92% knew they were entitled to paid leave for domestic violence or abuse (compared to 67% reported by employers). Ninety-six percent reported that they enjoyed paid leave benefits (compared to 67% reported by employers). As may be the case for all the focus industries, it is entirely possible that the employers and the employees work in different businesses, which could account for the differences in their responses.

Employers in the daycare industry averaged 1-24 employees and earned \$250,000-\$1,000,000 annually (67%). All offered standard leave benefits. None of the daycare employers was aware that employees were entitled to paid leave for domestic violence or abuse, yet all displayed the ASSLA/ESSLA poster in their workplace. All the daycare employers changed their leave benefits, but only one (33%) made the changes to offset the potential impact of ASSLA/ESSLA through a combination of reducing salaries and paid time off. One employer docked workers 16+ days' pay.

Daycare owners were split evenly between "do not know" or "no impact" for the law's impact on employee performance, turnover, and profitability; 33% of respondents felt the law made employee performance better and decreased employee turnover, but 33% also felt the law decreased profitability.

Daycare employees earned on average \$25,000-\$79,999 annually. Thirty-three percent of respondents did not receive an itemized pay stub; most (67%) were paid biweekly. None of the daycare employees reported wage theft. Responses from employers and employees align closely, as all employee respondents reported that their employer offered paid leave benefits. All but one respondent saw an ASSLA/ESSLA poster displayed in their workplace, and that same respondent did not know that employees were entitled to paid leave for domestic violence and abuse.

Educational businesses averaged 25 employees, earned \$2,375,000 annually, and offered the full range of leave benefits. Business owners displayed the ASSLA/ESSLA poster in their workplace, knew that tipped employees should be paid \$10/hour, and that employees are entitled to paid leave for domestic violence and abuse. They did not know if or how ASSLA/ESSLA impacted employee performance. As for employee turnover and profitability, they split between not knowing or seeing no impact.

Employees in education reported a wide range of annual income: 15% earned \$1,000-\$9,999 annually; 5% earned \$10,000-\$24,999; 10% earned \$25,000-\$49,999; 20% earned \$50,000-\$74,999; 10% earned \$75,000-\$99,999; 30% earned \$100,000-\$149,999; and 10% over \$150,000. Seventy-five percent of education employees were paid bi-weekly, and 90% of them received itemized pay stubs. Thirty percent experienced wage theft: 80% worked overtime but either were not paid or were not paid correctly; and 20% were asked to come early or stay late but were not paid or were not paid correctly. Sixty percent of education employees did not know they were entitled to paid leave for domestic violence or abuse, while all of the employers did. Seventy percent did not see an ASSLA/ESSLA poster in their workplace even though all employers indicated they posted it. Twenty percent reported that they did not have any leave benefits, even though all the employers listed leave benefits.

Because no security business owner completed the survey, it is not possible to parallel the comparison between employer and employee. However, 60% of security employees averaged \$25,000-\$49,000 annually and 40% averaged \$50,000-\$79,999 annually, with 10% averaged just below and just above that range. Most (80%) were paid weekly. Although none of the employees earned tips, all were aware that tipped employees should be paid \$10/hour. Only 20% were paid in cash; correspondingly, 20% did not receive an itemized pay stub. Although 80% did not see the ASSLA/ESSLA poster in their workplace, 60% knew they were entitled to paid leave for domestic violence or abuse. Sixty percent of security employees indicated that their employer offered paid leave benefits. None of the respondents experienced wage theft.

Of the total employees surveyed, 11% believed ASSLA/ESSLA improved employee performance and 10% believed it worsened employee performance. Of the employers in the focus industries (security was not available), only construction reported 10% worse while construction and daycare reported 25% and 35% better, respectively.

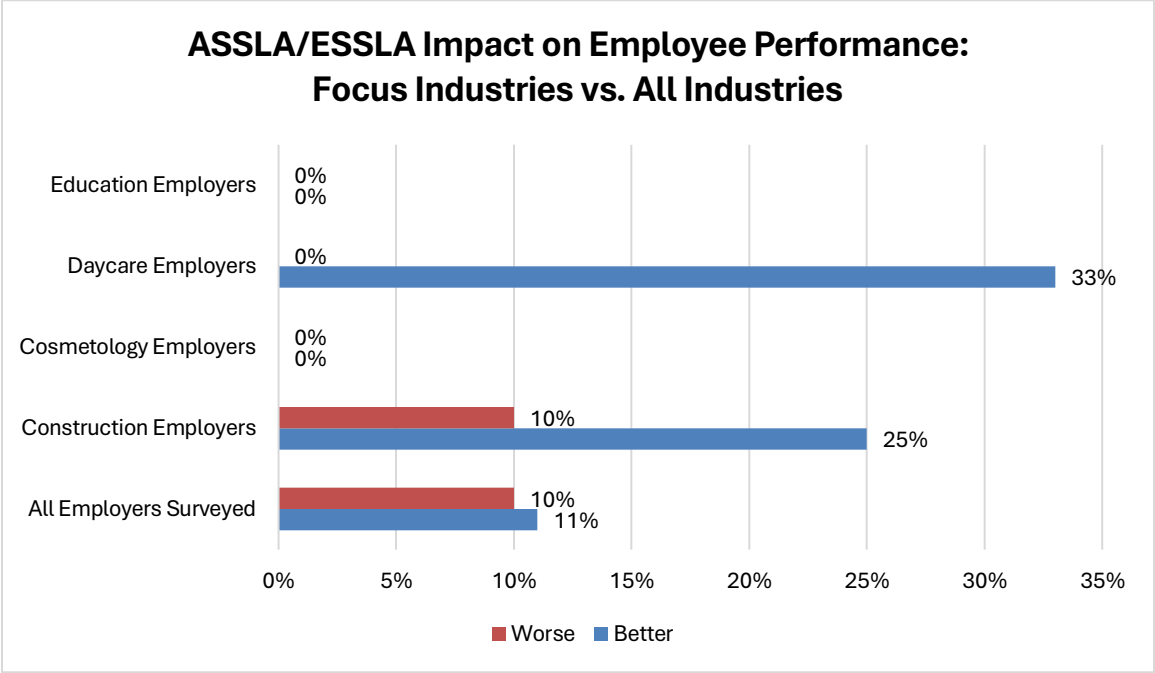


Figure 19: ASSLA/ESSLA Impact on Employee Performance: Focus Industries vs. All Industries

In terms of the impact of ASSLA/ESSLA on employee turnover, 7% of all employers surveyed believed it increased employee turnover and 2% believed it decreased employee turnover. Comparatively, 10% of construction employers felt it increased employee turnover, while 33% of cosmetology and daycare employers felt it decreased turnover, a major difference.

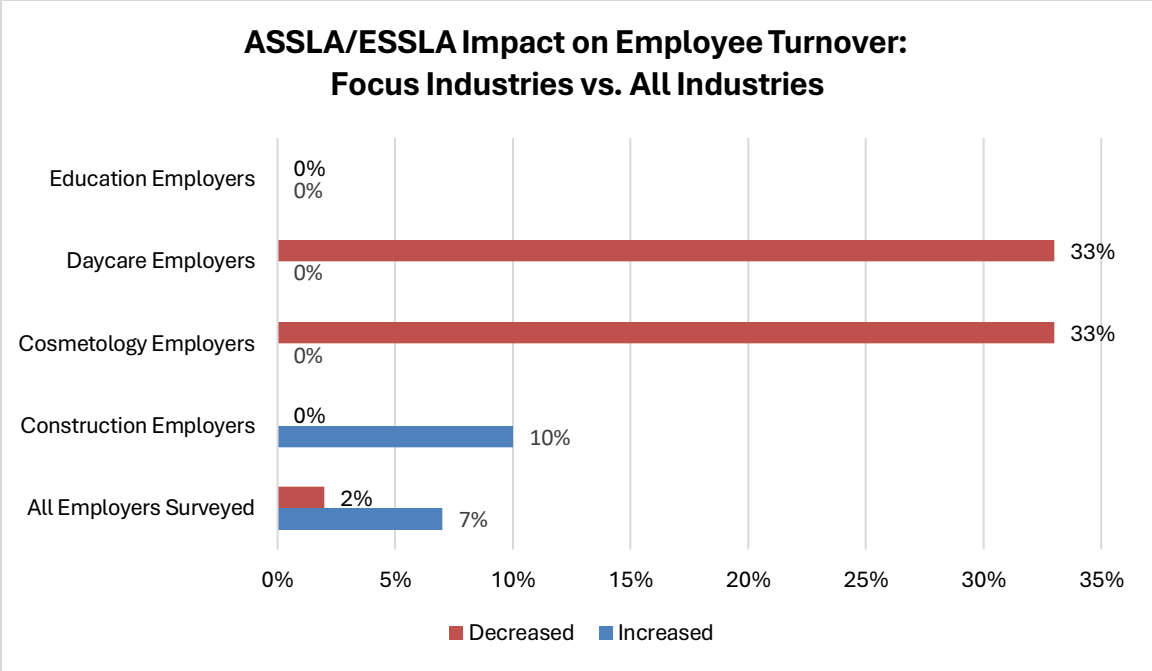
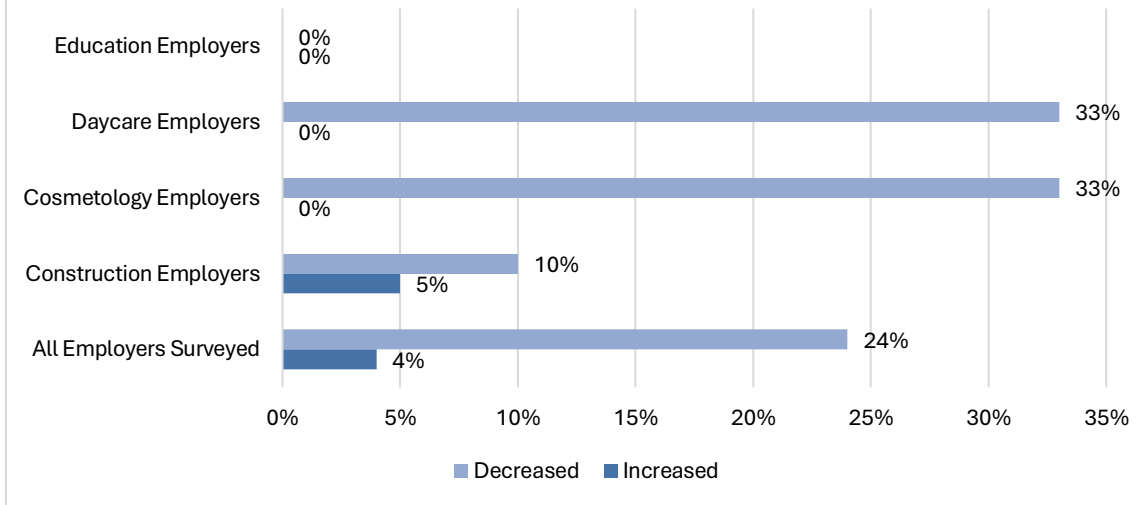


Figure 20: ASSLA/ESSLA Impact on Employee Turnover: Focus Industries vs. All Industries

As for the impact of ASSLA/ESSLA on profitability, 4% of all employers surveyed believed it increased their profitability and 24% believed it decreased their profitability. Construction employers reported a 10% decrease and a 5% increase in profitability (Figure 21). In comparing profitability, it appears that ASSLA/ESSLA impacted cosmetology and daycare businesses more than businesses generally (thirty-three percent (33%) versus twenty-four percent (24%)).

## ASSLA/ESSLA Impact on Profitability: Focus Industries vs. All Industries



*Figure 21: ASSLA/ESSLA Impact on Employee Profitability: Focus Industries vs. All Industries*

In comparing focus industries, it becomes clear which employees are most vulnerable. Respondents employed in the daycare or security industries earned the least and had the lowest paid leave rates. While no security or daycare employees reported experiencing wage theft, 88% of cosmetologists, 20% of education employees, and 10% of construction employees suffered wage theft (Figure 22).

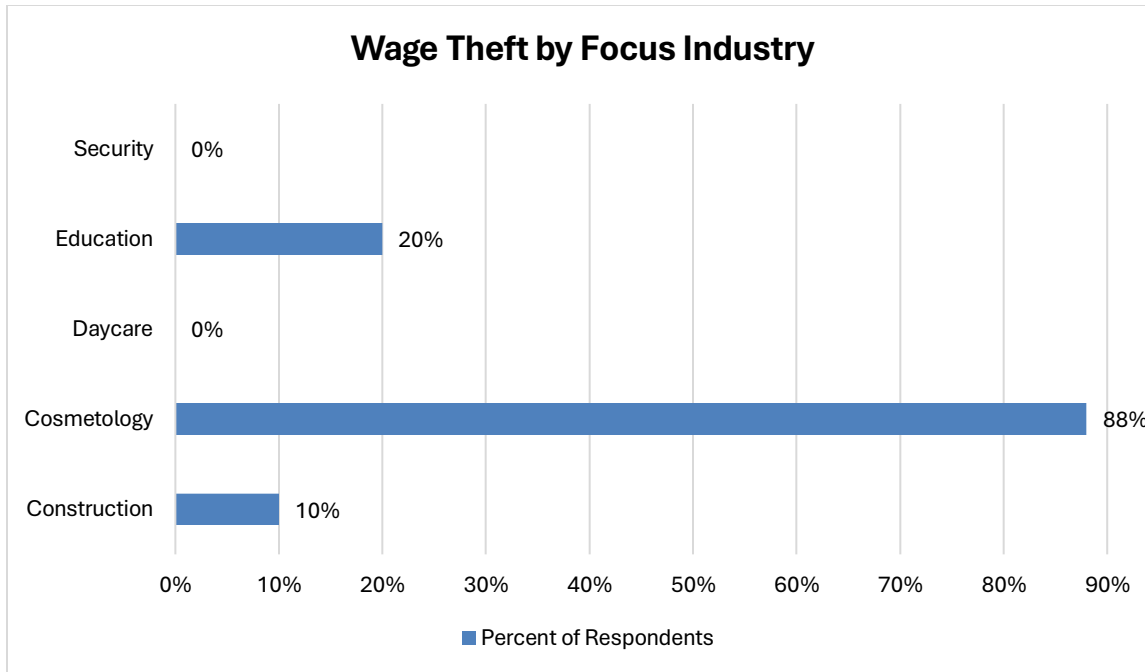


Figure 22: Wage Theft by Focus Industry

Businesses in the District compare favorably with those across the country. The Bureau of Labor Statistics (BLS) reported that in 2023, 87% of full-time employees had paid sick leave, (86% for union workers versus 77% for non-union workers); 92% had paid vacation leave, 92% of union workers versus 78% of non-union workers).<sup>8</sup> All workers in private industry averaged 79% paid sick leave, 80% paid vacation, and 1% paid holidays. Construction employees in the District reported higher numbers (93%) than the national average of 66% paid sick leave, 73% paid vacation leave, and 78% paid holidays. Only education employees in the District reported lower numbers (80%) than the national average (for professionals, including teachers) of 91% paid sick leave, 88% paid vacation leave, 90% paid holidays.<sup>9</sup> The BLS does not provide data on cosmetology, daycare, and security, but comparing those industries in the District to the national average for service workers in private businesses (64% paid sick leave, 52% paid vacation leave, and 54% paid holidays)

<sup>8</sup> Bureau of Labor Statistics. (USDL-23-2024) (2023, September 21) Employee Benefits in the United States – March 2023 [Press Release]. ([www.bls.gov/news.release/pdf/ebs2](http://www.bls.gov/news.release/pdf/ebs2)); Bureau of Labor Statistics (2024, September 19) Selected Paid Leave Benefits (<https://www.bls.gov/news.release/ebs2.t06.htm#:~:text=All%20workers>).

<sup>9</sup> *ibid*

and protective service workers (68% paid sick leave and 60% paid vacation leave) reflects positively on the District, which has equivalent or higher rates in all categories of leave benefits (90% of cosmetology respondents and 100% of daycare respondents reported paid leave benefits; 60% of security respondents reported paid leave benefits).

## Key Findings

There is a gap between employer and employee reporting of paid leave benefits and compliance with displaying the ASSLA/ESSLA poster in the workplace. Data generated from the employee survey suggests that compliance with ASSLA/ESSLA provisions may be lower than businesses reported. From 2019-2022, employees reported increasing albeit low rates of compliance, and employers reported increasing rates of compliance.<sup>10</sup> Employees reported in 2023 a 37% rate of displaying the ASSLA/ESSLA poster in their workplace, which contrasts dramatically with the eighty-four percent 84% compliance rate reported by employers. There has consistently been a difference between employee versus employer reporting of compliance, but in previous years, the gap was closer.

Employer and employee respondents offered high rates for leave benefits. These results indicate a continued increase in overall leave rates since 2019. The overall leave rates reported in the 2019-2023 ASSLA Reports were 51.79%, 74.6%<sup>11</sup>, 83%, 85%, and 94%, respectively.

ASSLA/ESSLA has had little impact on businesses in the District. Looking at employee performance, employers reported impact as either “did not know/not applicable” (46%) or “the same” (38%); they split on whether it improved (11%) or hurt (10%) employee performance. As for employee turnover, 91% of employers either did not know or felt that the law had no impact. Seventy-two percent of employers answered “did not know/no impact” for profitability; however, 25% of employers felt the law decreased the profitability of their business.

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<sup>10</sup> *ibid*

<sup>11</sup> See Footnote 1

The percentage of employees reporting that they performed work for which they were not paid has increased dramatically over recent years. In 2019, less than 1% of employees reported not being paid for work they performed. In 2020, the figure was 7% and it was 10% in 2021. In the 2022 survey, 56% of surveyed employees claimed to have experienced wage theft, and in 2023, 57% of respondents noted that they had lost wages either through non-payment or through their pay being docked without cause.

Employers have rarely changed paid leave benefits: in 2019, 16% made changes; followed by 18% in 2020; 8% in 2021. 2022 was an outlier year with 45% of employers changing paid leave benefits. In 2023, the figure was 18%.

Similarly, employers seldom changed salaries and leave benefits in anticipation of losses due to ASSLA/ESSLA. In 2023, 16% of employers reported reducing benefits to offset the impact of ASSLA/ESSLA, compared to 47% in 2022 (an aberration), 6% in 2021, 7% in 2020, and 4% in 2019.

## **OFFICE OF WAGE-HOUR (OWH) INVESTIGATIONS**

The DOES Office of Wage-Hour Department (OWH) in 2023 conducted 565 audits, 2053 surveys, and 92 site visits, focusing on construction, daycare, educational facilities, law firms, restaurants and hospitality businesses. OWH surveys are questionnaires sent to employees of employers who are being audited. The survey is a way to gather and confirm employees' understanding of employer policies directly. Twenty-six ASSLA complaints were filed; OWH investigated six of the complaints and found one violation. There are still 207 investigations open, comprising 3 complaints and 204 audits.

# ROUNDTABLES

## Overview

Two roundtable sessions – one in-person and one virtual – were held in mid-August 2024. Invitations were sent to 50 survey respondents indicating their willingness to share their perspectives in a round table forum. The invitation provided respondents with a choice of attending either the in-person or virtual session. A total of 12 participants attended. Of the 12 participants, 2 were business owners (employers). The employee population in attendance was from both the private and public sectors. Industries represented across the two sessions were: 1) education, 2) healthcare, 3) hospitality/foodservice, and 4) professional, technical services. Although invited, respondents from the construction, cosmetology, daycare, and security industries did not participate in either of the roundtables. One attendee was an owner and employee of a landscaping services company, and one attendee was a real estate agent with a real estate broker. The real estate agent has a contractor relationship with the broker. Employees and owners of construction firms were not represented in the round tables. Thus, roundtable information is not available for the majority of the focus industries for this year’s study.

The same set of questions were asked in each roundtable session (See Appendix B). Employees in the public sector seemed to be more familiar with ASSLA/ESSLA than private sector employees. Business owners were most familiar with ASSLA/ESSLA. The majority of the employees from the private sector were limited in their knowledge of ASSLA and expressed confusion between company benefits and the benefits/policies available to them under ASSLA and federal laws. No employee indicated there was an issue with using their requested leave. Several employees worked for organizations that are headquartered outside of the United States and have a small number of employees working in the District. These employees were significantly less knowledgeable about ASSLA/ESSLA than other focus group participants.

Most employees and both owners identified that their organizations used third-party vendors and systems for human resources and payroll/services. Some participants' employers use electronic platforms that contain personnel handbooks, leave policies, and payroll manuals. A few participants were confident they could easily locate relevant leave and pay policies, and processes in their company's system. However, some participants were sure they had trouble locating relevant leave information on their organization's system. Several participants indicated their employer's human resources and payroll functions are not in the Washington Metropolitan area. According to some focus group participants, service provider representatives they interact with have limited or no knowledge of ASSLA/ESSLA. Business owners were familiar with accessing resources on government agency websites.

The range of recommendations suggested by the focus groups covered regular company communications in varying formats, such as annual company-sponsored mandatory training, government-issued information/guidance that is easy to understand considering different education levels, and collaborating with various industry associations (e.g., Chambers of Commerce, Historically Underutilized Business Zones (HUBZones), Business Improvement Districts (BIDs), and unions) and various District Government agencies.

## **Introduction**

Roundtables were utilized to understand employee and employer perspectives beyond what a survey alone can assess. Our goal was to elicit and understand employees' honest insights and navigate toward common experiences and patterns. The exploratory questions for these interviews and discussions (Appendix B) were crafted to understand varying perspectives based on differing conditions and were also centered on understanding where existing challenges in policy applications and navigation may exist.

## Methodology

Two roundtables were conducted on August 16 and August 20, 2024. Both sessions were in the evening beginning at 6:30 pm. The invitation was sent via email on August 8, 2024, informing participants of the opportunity to choose either session. The initial invitation was sent to 50 survey respondents. The invitation included radio dials for participants to select the session they wanted to attend. This invitation was sent twice. Once participants signed up, we sent two email reminders for each session, one of which was sent on the day of the session. A personal phone call was made to respondents who signed up to attend the in-person session.

The first session was in person on August 16th at Martin Luther King Jr. Library, Conference Room 401-A, 901 G Street, NW, Washington, DC. Nine (9) respondents confirmed attendance for this session. Eight of the nine attended.

Attendees of the first session were in the following industry groups in the role of either an employee or an owner: 1) administration, one (1) employee; 2) education, one (1) employee; 3) health care, two (2) employees; 4) professional, scientific, technical services, three (3) employees; and 5) other, landscaping, one (1) owner. In this session, the education industry participant is employed by the District of Columbia Public Schools (DCPS). The two participants in the healthcare industry work in a hospital setting and private consulting, respectively. One healthcare worker's company's HR personnel operations relocated to an area outside of the Washington Metropolitan Area, and one participant's employer is located outside of the United States and has only a few employees within the District. One participant in the professional, scientific, and technical services industry is a social worker with the District Government. The remaining employee attendees in the professional, scientific, technical services industry work as consultants on federal contracts or local government contracts. The only owner participant attending the in-person session is in the landscaping field, which is not construction and is classified as other. All session participants were employed for the entire calendar year 2023, however, two participants changed companies during the year.

The second roundtable session was virtual using Zoom, and was held on August 20, 2024, at 6:30 pm. Attendees of the second session were in the following industry groups in the role of either an employee or an owner: 1) education, one employee; 2) professional, scientific, and technical services, one employee; and 3) hospitality, one owner of a restaurant located in the District of Columbia; 4) other, a real estate agent with no employees who has an independent contractor relationship with their broker; this attendee initially thought their industry was classified under construction. All participants were employed in calendar year 2023 in their identified industry.

Participants were identified through one mechanism: the survey. In the survey, they indicated availability and interest in taking part in a roundtable. We invited all survey respondents indicating a willingness to attend a roundtable who identified working in the construction, cosmetology daycare, education, and security industries. A challenge was the relatively low response rate for these industries in comparison to the overall survey response rate. Therefore, to reach all respondents in these focus industries, all survey respondents indicating availability and interest in attending a session were sent an invitation. However, representatives from these industries did not respond to the invitation. A random sample of survey respondents from other industries received an invitation to attend a roundtable.

We offered evening options for participants so that we would not interrupt their workday. We chose to hold the in-person session in a conference room at the Martin Luther King Jr. Library. This location is widely known, is central to downtown, and easy to access by all modes of personal and public transportation. A sign-in roster was provided to in-person participants. The participants signed in with their signature or check mark next to their name. The facilitator confirmed attendees' names at the beginning and end of the virtual session. Participants were assured that their participation was confidential, and their names would not be included in the report. To conduct the session, the facilitator prepared a presentation on easel paper (flip charts) along with set questions. The

responses from session participants were captured on the flip charts and in the facilitator's notes. The presentation was transferred to a PowerPoint deck. The same process of capturing and preserving information was used in the virtual session. Because of the limited number of roundtable participants, individuals were not grouped according to industry.

The roundtable discussions were undertaken to 1) assess employees' familiarity with ASSLA, 2) assess compliance levels in the focus industries, and 3) assess ways the District Government can better support workers in the District and ensure employees are getting access to their legally mandated paid leave.

## **Key Findings**

One employer (the restaurant owner) confirmed that they provide information about ASSLA via hard copies of employee handbooks upon initial hire, provide employees with the required leave forms, and annually has employees recertify their receipt of the information. This employer uses a third-party human resources company and legal counsel as needed to support their efforts to provide timely and up-to-date information to employees. The employer also expressed that a myriad of postings is required to comply with local laws, and the ASSLA postings are made visible to all employees.

Two employees of DCPS were confident ASSLA/ESSLA information was provided on initial hire and is easily accessible on their human resources website. One participant in the educational industry was not sure but believed their employer provided information on ASSLA/ESSLA. However, this participant recalls seeing DOES marketing campaigns about ASSLA on social media and that DOES was present at events. The two employees in the healthcare industry did not recall receiving ASSLA/ESSLA information from their respective employers. One employee in the professional services industry working as a contractor at a federal worksite was confident their employer provided ASSLA/ESSLA information on hire along with other available paid leave options. Another employee in the professional

services industry was less confident that their employer provided ASSLA information and during the roundtable was not able to locate the information on their employer's website. Overall, half of the round table participants who identified as employees were familiar with the information but were not confident that they received information on ASSLA/ESSLA from their employer.

An emerging trend is employers that are headquartered outside of the District with a remote workforce in the District. Another trend is companies using human resource/payroll service providers with limited knowledge of the District Government's leave laws. Remote employees and employees with non-local human resource offices were the most vocal about a lack of specific information and education about ASSLA. The healthcare employee working in a hospital setting indicated that a category of leave with the heading ASSLA appeared on their pay and leave statements in 2023. However, there was no explanation of this type of leave, how the leave could be used and how to request the leave. There is a lack of specific education about ASSLA in general. Employees expressed a universally strong lack of knowledge about ASSLA across all industries and expressed confusion regarding how ASSLA applies to and impacts their employers' leave policies.

During the roundtables, the facilitator read two general statements from ASSLA to assess participants familiarity with their ASSLA rights. (See Appendix B). Only the DCPS and District Government employees were familiar with each statement. The other participants were not familiar with the statements and provisions of ASSLA and ESSLA. Only the employer was familiar with the specific ASSLA and ESSLA provisions regarding domestic abuse or tipped workers.

None of the participants had any issues to report. The business owner did relay that they attempted to assist an employee with resolving a family paid leave application/request denied by the office within DOES that administers paid family leave. The employer

supported the request and assisted the employee with the initial request and subsequent denial. The employer stated that English was not the first language of the employee. The employer can speak Spanish; however, the dialogues on the matter required a broader range of Spanish than spoken by the employer. The assigned District Government personnel did not speak Spanish; however, translator services were used to bridge the language barrier among the parties (employer, employee and the District Government personnel). The outcome was that the employee dropped the request without resolution because of discomfort with making repeated contact with the District Government. The employer noted that cultural concerns were at play in the case and mentioned they would like to see easier-to-understand material that is understandable at various educational levels. They recommended that District Government consider producing materials with fewer words, less legal jargon (legalese), and a clearer explanation of minimum wage requirements for tipped and non-tipped employees.

## **DISTRICT INTERVIEWS**

### **Overview**

To understand and determine the performance of District Government agencies in protecting workers' rights and enforcing ASSLA's provisions, our team conducted two semi-structured interviews with designated government officials who have direct roles in administration or enforcement of ASSLA/ESSLA laws. The interviews were conducted virtually between July 29 and August 16, 2024. The facilitator transcribed their notes after each session.

Questions were provided to the agency representatives in advance to allow for adequate preparation. To supplement the verbal input, interviewees were advised they could submit written responses to the interview questions.

Questions focused on understanding and assessing the following:

1. The foundation of each agency's work with ASSLA.
2. Intergovernmental collaboration around ASSLA.
3. ASSLA enforcement processes.
4. How well each agency's support of ASSLA was going.

The first interview was with a representative from the Office of Wage-Hour (OWH) in DOES. This interview was conducted on Monday, July 29, 2024, from 3:00 to 3:39 pm. This representative was also interviewed for the 2022 ASSLA/ESSLA study conducted in 2023.

The second interview was with a representative from the Office of the Attorney General (OAG). This interview was conducted on Friday, August 16, 2024, from 1:00 to 1:15 pm.

## **Introduction**

Foundationally, DOES is responsible for the enforcement of the District Government's sick and safe leave laws. DOES is mandated by law to enforce ASSLA and is the law's primary enforcer. DOES therefore coordinates all audits and investigations and ensures that District businesses adhere to the law. DOES interfaces with different agencies for different aspects of enforcement, including the Department of Human Resources (DCHR), the OAG, the Department of Licensing and Consumer Protection (DLCP), and the Office of Administrative Hearings (OAH).

OAG enforces ASSLA through investigations and litigation. In addition, OAG holds subpoena authority to investigate cases unilaterally. OAG enforces actions and can initiate its own investigations and civil actions. OAG has the authority to convert administrative judgments issued by DOES into judicial judgments.

## **Department of Human Resources (DCHR)**

DCHR is responsible for ensuring that as an employer, the District Government's paid leave policies are compliant with the law. Most frequently, DOES's engagement with DCHR is limited to a consultation role when ensuring that the District Government's intermittent workers (employees who are employed on an irregular or occasional basis) are receiving proper leave benefits.

DOES works closely with the business community, advocates, and other District agencies to ensure that ASSLA education is taking place, and that both employees and employers understand the requirements under the law.

## **Department of Licensing and Consumer Protection (DLCP)**

DLCP is responsible for registering businesses (domestic and international), issuing business licenses, and managing ongoing communications with businesses regarding business regulatory compliance matters. DLCP offers no-cost training programs on regulatory procedures training programs and consultative services to business owners. The interface with DLCP is primarily to verify business ownership when OWH is conducting investigations.

## **Office of Wage-Hour (OWH)**

OWH's strategy for enforcement is through outreach and education, offering technical guidance to the business community and conducting audits of employers. OWH has primary responsibility for administering the ASSLA/ESSLA program and the District's wage laws. OWH audits businesses to ensure compliance with the provisions of these laws. They also investigate employee-initiated OWH claims of sick leave and wage law violations made directly to the office. OWH can impose remedies when a business is found non-compliant with leave or wage laws.

OWH uses regular business improvement processes and methodologies to evaluate internal operations and adjusts approaches to outreach and engagement efforts with the public.

OWH was asked about actions taken to address the following recommendations from the most recent ASSLA study:

**Recommendation 1:** Revisit ASSLA poster requirements for hybrid/remote work environments.

**Recommendation 2:** Increase outreach to ensure workers are aware of their rights to use leave in stalking, abuse, or domestic abuse violence situations.

In response, OWH indicated the following:

Updates were made to the sick and safe leave presentation material to include the availability of ASSLA/ESSLA for mental health and domestic abuse situations.

They engaged in social media campaigns. At the time of the interview, OWH needed to gather input from staff on using data to guide changes in outreach efforts.

In 2023, OWH sought to increase outreach and education/information campaigns with the restaurant/hospitality and domestic worker industries. OWH representatives attended community outreach events with the Restaurant Association of Metropolitan Washington (RAMW) and an association representing domestic workers. As necessary, OWH used Spanish-speaking translators to engage with the public.

As for enforcement efforts, in 2023, OWH focused on law firms, daycare centers, and large multinational firms. OWH used employer owner data from an internal system to generate notices. An unquantified number of notices did not reach the intended business and were returned to OWH.

At the time of the interview, OWH did not identify any emerging trends or themes concerning compliance or enforcement of ASSLA.

OWH identified a desire to reach employers entering the DC market, perhaps through a collaboration with DLCP.

## **Office of the Attorney General (OAG)**

OAG confirmed it fully utilizes statutory authority to bring lawsuits in the enforcement of ASSLA and ESSLA. The organization provides a strong enforcement program/profile concerning ASSLA/ESSLA. Because of its subpoena authority to investigate cases unilaterally, OAG pursues tips made directly to them. OAG affirmed they fully pursue tips made directly to their office.

OAG frequently issues press releases announcing settlement agreements. The releases highlight key facts of each agreement and include links to settlement documents on its website.

Increasingly, OAG has entered settlements with companies that incorrectly classify employees in violation of wage theft laws. Often a case is predominately about wage theft; however, the offending company is often not complying with ASSLA/ESSLA. There has been an increase in enforcement actions against companies in the construction and restaurant industries. Gig economy workers are an emerging cohort of OAG's investigations.

OAG collaborates with other government agencies charged with responsibilities for the administration and enforcement of ASSLA/ESSLA.

## **RECOMMENDATIONS**

- DOES should increase outreach to employers with remote employees working in the District, perhaps through partnerships with third-party payroll/personnel vendors.
- Collaboratively engage in public-facing employer-based targeted information and outreach campaigns to industries that have challenges complying with ASSLA laws.

## Appendix A: Survey Questions and Responses

| <b>Which statement best describes you?</b>  |                         |                       |
|---|-------------------------|-----------------------|
|   | <b>Response Percent</b> | <b>Response Count</b> |
| I was employed in the District of Columbia for more than 90 days in 2023.   | 61.31%                  | 572                   |
| I own or owned a business/organization with at least one employee other than myself that was operational in the District of Columbia for more than 90 days. | 18.54%                  | 173                   |
| I was a federal employee in 2023.   | 1.93%                   | 18                    |
| I was a self-employed business owner with no employees besides myself in 2023.  | 7.61%                   | 71                    |
| None of the above.  | 10.61%                  | 99                    |

### Employee Specific Questions

| <b>1. Which of these best describes your personal income for 2023?</b> |                         |                       |
|--|-------------------------|-----------------------|
|  | <b>Response Percent</b> | <b>Response Count</b> |
| 0  | 0.19%                   | 1                     |
| \$1-9,999  | 0.97%                   | 5                     |
| \$10,000-24,999  | 2.51%                   | 13                    |
| \$25,000-49,999  | 30.37%                  | 157                   |
| \$50,000-74,999  | 30.75%                  | 159                   |
| \$75,000-99,999  | 17.25%                  | 89                    |
| \$100,000-149,999  | 11.80%                  | 61                    |
| \$150,000 or more  | 6.19%                   | 32                    |

| <b>2. Did your compensation include tips?</b> |                         |                       |
|---|-------------------------|-----------------------|
|   | <b>Response Percent</b> | <b>Response Count</b> |
| Yes   | 18.76%                  | 97                    |
| No  | 81.24%                  | 420                   |

| <b>3. [If YES to Question 2] What portion of your income do you receive in the form of tips?</b> |                         |                       |
|--|-------------------------|-----------------------|
|  | <b>Response Percent</b> | <b>Response Count</b> |
| As much as 10%   | 64.71%                  | 143                   |
| As much as 25%   | 33.94%                  | 75                    |
| As much as 50%   | 0.0%                    | 0                     |
| As much as 75%   | 0.45%                   | 1                     |
| As much as 100%  | 0.0%                    | 0                     |
| None   | 0.9%                    | 2                     |

| <b>4. Are you aware that District law requires tipped employees to receive standard pay of at least \$10.00/hour?</b> |                         |                       |
|---|-------------------------|-----------------------|
|   | <b>Response Percent</b> | <b>Response Count</b> |
| Yes   | 58.8%                   | 304                   |
| No  | 41.2%                   | 213                   |

| <b>5. Did you get paid in cash?</b> |                         |                       |
|-------------------------------------|-------------------------|-----------------------|
|                                     | <b>Response Percent</b> | <b>Response Count</b> |
| Yes                                 | 41.97%                  | 217                   |
| No                                  | 58.03%                  | 300                   |

| <b>6. How frequently did you get paid?</b> |                         |                       |
|--|-------------------------|-----------------------|
|  | <b>Response Percent</b> | <b>Response Count</b> |
| Daily                                      | 0.58%                   | 3                     |
| Weekly                                     | 38.88%                  | 201                   |
| Bi-Weekly/every two weeks                  | 32.5%                   | 168                   |
| Semi-monthly/twice per month               | 18.57%                  | 96                    |
| Monthly                                    | 8.51%                   | 44                    |
| Other (Please specify)                     | 0.97%                   | 5                     |

**7. Did you receive a statement that includes an itemized account of your earnings each time you got paid?**

|     | Response Percent | Response Count |
|-----|------------------|----------------|
| Yes | 88.2%            | 456            |
| No  | 11.8%            | 61             |

**8. During 2023, did you perform work that you were not paid for?**

|     | Response Percent | Response Count |
|-----|------------------|----------------|
| Yes | 57.45%           | 297            |
| No  | 42.55%           | 220            |

**9. During 2023, did you experience any of the following? (Select all that apply)**

|   | Response Percent | Response Count |
|---|------------------|----------------|
| I worked overtime and either was not paid at all or was not paid the correct amount.                                    | 10.08%           | 51             |
| I was asked to start work early or stay at work late and was either not paid at all or was not paid the correct amount. | 38.74%           | 196            |
| I was an employee but paid as an independent contractor.  | 14.62%           | 74             |
| My employer docked my salary or benefits without cause.   | 0.99%            | 5              |
| None  | 32.41%           | 164            |
| Other (Please specify)  | 3.16%            | 16             |

**10. Are you aware that companies operating in DC are required to offer employees paid leave for work absences associated with domestic violence or abuse in accordance with the Accrued Sick and Safe Leave Act of 2008 (ASSLA) and Earned Sick and Safe Leave Amendment Act of 2013 (ESSLA)?**

|     | Response Percent | Response Count |
|-----|------------------|----------------|
| Yes | 81.43%           | 421            |
| No  | 18.57%           | 96             |

**11. Were the requirements of ASSLA/ESSLA displayed at your worksite?**

|     | Response Percent | Response Count |
|-----|------------------|----------------|
| Yes | 37.14%           | 192            |
| No  | 62.86%           | 325            |

**12. Did your job offer paid leave?**

|     | Response Percent | Response Count |
|-----|------------------|----------------|
| Yes | 90.33%           | 467            |
| No  | 9.67%            | 50             |

**13. Which Industry did you work in during 2022?**

|  | Response Percent | Response Count |
|--|------------------|----------------|
| Cosmetology                                      | 4.83%            | 23             |
| Daycare  | 1.47%            | 7              |
| Utilities  | 0.0%             | 0              |
| Construction                                     | 3.15%            | 15             |
| Manufacturing                                    | 8.82%            | 42             |
| Wholesale Trade                                  | 8.19%            | 39             |
| Retail Trade                                     | 2.52%            | 12             |
| Transportation and Warehousing                   | 2.52%            | 12             |
| Information Technology                           | 2.73%            | 13             |
| Finance and Insurance                            | 5.04%            | 24             |
| Real Estate and Rental and Leasing               | 7.14%            | 34             |
| Professional, Scientific, and Technical Services | 14.92%           | 71             |
| Management of Companies and Enterprises          | 2.31%            | 11             |
| Administrative and Support                       | 4.41%            | 21             |
| Education and/or Educational Services            | 3.99%            | 19             |
| Health Care and Social Assistance                | 6.09%            | 29             |
| Arts, Entertainment, and Recreation              | 5.25%            | 25             |
| Hospitality and Food Services                    | 6%               | 34             |
| Waste Management                                 | 0.0%             | 0              |
| Medicinal Plant Industry                         | 0.0%             | 0              |
| Security   | 1.05%            | 5              |
| Nonprofit  | 1.91%            | 9              |
| Other (Please specify)                           | 5.32%            | 25             |

## Business Owner Survey Questions

| <b>1. What is the primary industry of your business?</b> |                         |                       |
|--|-------------------------|-----------------------|
|  | <b>Response Percent</b> | <b>Response Count</b> |
| Cosmetology  | 2.5%                    | 3                     |
| Daycare  | 2.5%                    | 3                     |
| Utilities  | 0.0%                    | 0                     |
| Construction   | 16.67%                  | 20                    |
| Manufacturing  | 1.67%                   | 2                     |
| Wholesale Trade  | 0.83%                   | 1                     |
| Retail Trade   | 6.67%                   | 8                     |
| Transportation and Warehousing                           | 0.0%                    | 0                     |
| Information Technology                                   | 0.83%                   | 1                     |
| Finance and Insurance                                    | 2.5%                    | 3                     |
| Real Estate and Rental and Leasing                       | 1.67%                   | 2                     |
| Professional, Scientific, and Technical Services         | 9.17%                   | 11                    |
| Management of Companies and Enterprises                  | 1.67%                   | 2                     |
| Administrative and Support                               | 0.0%                    | 0                     |
| Education and/or Educational Services                    | 0.83%                   | 1                     |
| Health Care and Social Assistance                        | 1.67%                   | 2                     |
| Arts, Entertainment, and Recreation                      | 3.33%                   | 4                     |
| Hospitality and Food Services                            | 6%                      | 34                    |
| Waste Management   | 0.0%                    | 0                     |
| Medicinal Plant Industry                                 | 0.83%                   | 1                     |
| Security   | 0.0%                    | 0                     |
| Non-Profit   | 4.17%                   | 5                     |
| Other (Please specify)                                   | 10.0%                   | 12                    |

| <b>2. How many years has your company operated in DC?</b> |                |                       |
|---|----------------|-----------------------|
|   | <b>Average</b> | <b>Response Count</b> |
| Years   | 12             | 612                   |

### 3. How many employees are currently on your business's payroll?

|             | Response Percent | Response Count |
|-------------|------------------|----------------|
| 1 – 24      | 76.15%           | 99             |
| 25 – 99     | 20.0%            | 26             |
| 100 or more | 3.85%            | 5              |

### 4. What was the annual revenue for your business in 2023?

|                            | Response Percent | Response Count |
|----------------------------|------------------|----------------|
| Under \$250,000            | 15.38%           | 20             |
| \$250,000-\$1,000,000      | 33.08%           | 43             |
| \$1,000,001 - \$5,000,000  | 36.92%           | 48             |
| \$5,000,001 - \$10,000,000 | 6.92%            | 9              |
| \$10,000,001-\$25,000,000  | 3.85%            | 5              |
| \$25,000,001-\$50,000,000  | 2.31%            | 3              |
| More than \$50,000,000     | 1.54%            | 2              |

### 5. Did any of your employees earn tips?

|     | Response Percent | Response Count |
|-----|------------------|----------------|
| Yes | 41.54%           | 54             |
| No  | 58.46%           | 76             |

### 6. Were you aware that District law beginning July 1, 2024, required tipped employees to receive standard pay of at least \$10.00 per hour?

|     | Response Percent | Response Count |
|-----|------------------|----------------|
| Yes | 84.62%           | 110            |
| No  | 15.38%           | 20             |

### 7. Did you employ dedicated human resources personnel or use a third-party benefits administrator?

|     | Response Percent | Response Count |
|-----|------------------|----------------|
| Yes | 49.23%           | 64             |
| No  | 50.77%           | 66             |

**8. Were you aware that companies operating in DC are required to offer employees paid leave for work absences associated with domestic violence or abuse in accordance with the DC Accrued Sick and Safe Leave Act of 2008 (ASSLA)?**

|     | Response Percent | Response Count |
|-----|------------------|----------------|
| Yes | 85.38%           | 111            |
| No  | 14.62%           | 19             |

**9. How did your company obtain information about ASSLA/ESSLA? (Select all that apply)**

|                         | Response Percent | Response Count |
|-------------------------|------------------|----------------|
| Social media            | 10.77%           | 14             |
| Community event         | 4.62%            | 6              |
| Webinar                 | 11.54%           | 15             |
| D.C. Government website | 45.38%           | 59             |
| ASSLA advertisement     | 13.85%           | 18             |
| Unaware of ASSLA        | 11.54%           | 15             |
| Other (Please specify)  | 26.92%           | 35             |

**10. Did you post the requirements of ASSLA and the DC Earned Sick and Safe Leave Amendment Act of 2013 (ESSLA) in a prominent location where all employees can see it?**

|     | Response Percent | Response Count |
|-----|------------------|----------------|
| Yes | 83.85%           | 109            |
| No  | 16.15%           | 21             |

**11. Have you ever contacted DC Government to obtain a poster or to learn about ASSLA/ESSLA?**

|     | Response Percent | Response Count |
|-----|------------------|----------------|
| Yes | 26.15%           | 34             |
| No  | 73.85%           | 96             |

**12. (If No to Question 11) Why not?**

|                              | Response Percent | Response Count |
|------------------------------|------------------|----------------|
| Not necessary                | 27.08%           | 26             |
| Did not know it was possible | 45.83%           | 44             |
| Unfamiliar with ASSLA        | 9.38%            | 9              |
| Other (Please specify)       | 17.71%           | 17             |

**13. Which of the following benefits did you offer to some or all of your employees? (Select all that apply.)**

|  | Response Percent | Response Count |
|--|------------------|----------------|
| Paid sick days                                     | 75.38%           | 98             |
| Undesignated leave or Paid Time Off (PTO)          | 50.77%           | 66             |
| Paid vacation leave                                | 62.31%           | 81             |
| Stalking, domestic violence, or sexual abuse leave | 22.31%           | 29             |
| None of the above                                  | 6.15%            | 8              |
| Other (Please specify)                             | 4.62%            | 6              |

**14. In 2023, how often was it necessary for your company to dock an employee's wages or benefits (or make any similar reduction)?**

|            | Response Percent | Response Count |
|------------|------------------|----------------|
| 0          | 88.46%           | 115            |
| 1-5        | 4.62%            | 6              |
| 6-10       | 3.08%            | 4              |
| 11-15      | 1.54%            | 2              |
| 16 or more | 2.31%            | 3              |

**15. Did you make changes to your business's leave policy in 2023?**

|     | Response Percent | Response Count |
|-----|------------------|----------------|
| Yes | 18.46%           | 24             |
| No  | 81.54%           | 106            |

**16. How do you believe the requirements of ASSLA/ESSLA have impacted employee performance?**

|                | Response Percent | Response Count |
|----------------|------------------|----------------|
| Much better    | 8.46%            | 11             |
| Better         | 3.08%            | 4              |
| About the same | 38.46%           | 50             |
| Worse          | 7.69%            | 10             |
| Much worse     | 2.31%            | 3              |
| Do not know    | 25.38%           | 33             |
| Not applicable | 14.62%           | 19             |

**17. What impact has ASSLA/ESSLA had on your business's employee turnover?**

|             | Response Percent | Response Count |
|-------------|------------------|----------------|
| Increased   | 6.92%            | 9              |
| Decreased   | 1.54%            | 2              |
| No impact   | 65.38%           | 85             |
| Do not know | 26.15%           | 34             |

**18. What impact has ASSLA/ESSLA had on your business's profitability?**

|             | Response Percent | Response Count |
|-------------|------------------|----------------|
| Increased   | 3.85%            | 5              |
| Decreased   | 23.85%           | 31             |
| No impact   | 48.46%           | 63             |
| Do not know | 23.85%           | 31             |

**19. Has your business put measures in place to offset any negative impact ASSLA/ESSLA may have?**

|     | Response Percent | Response Count |
|-----|------------------|----------------|
| Yes | 16.15%           | 21             |
| No  | 83.85%           | 109            |

**20. (If Yes to Question 19) What measures have you put in place to offset any negative impact ASSLA/ESSLA may have on your business?**

|  | <b>Response Percent</b> | <b>Response Count</b> |
|--|-------------------------|-----------------------|
| Reduced vacation time accrual                                | 1.54%                   | 2                     |
| Converted Paid Vacation Time Paid Time Off or Paid Sick Days | 2.31%                   | 3                     |
| Reduced salaries, raises, or bonuses                         | 6.92%                   | 9                     |
| Combination of the above                                     | 7.69%                   | 10                    |
| None of the above  | 68.46%                  | 89                    |
| Do not know/Do not remember                                  | 13.06%                  | 17                    |

## Appendix B: Roundtable Questions

**In-person Session:** August 15, 2024, 6:30 pm at the Martin Luther King Jr. Library, Washington, DC

**Virtual Session:** August 20, 2024, 6:30 pm via Zoom

**Roundtable Facilitator:** Trinette Smith-Campbell

Accrued Sick and Safe Leave Act of 2008 (ASSLA) and the Earned Sick and Safe Leave Amendment Act of 2013 (ESSLA).

The study period is calendar year 2023

### Objectives of the Sick and Safe Leave Study

1. Gauge the compliance level of Washington, DC-based businesses with the requirement to post a notice advising employees about ASSLA.
2. Assess the economic impact of ASSLA on the private sector; and
3. Determine whether District Government agencies are adequately protecting workers' rights and enforcing ASSLA's provisions.

This Roundtable is an opportunity to hear from you as we:

1. Assess (participants – employees and employer's) familiarity with ASSLA/ESSLA,
2. Assess compliance levels in the focus industries, and
3. Assess ways the District Government can better support workers in the District and ensure employees are getting access to their legally mandated paid leave.

Thank you for making your way here and contributing to this very important part of the evaluation/study process.

# ROUNDTABLE QUESTIONS

There are 5 categories, with several questions in each category.

## **Company, Workplace, Communication**

1. How does your company manage HR and payroll?
2. Does your company provide you education and educational materials on ASSLA and other materials about leave (paid-family leave, etc.)?
3. Are ASSLA, sick leave, or paid leave policies and materials visible and easy to access in company systems? How often do you access the materials?
4. During calendar year 2023, do you recall seeing any communication regarding ASSLA from your company, a District Government agency, or an HR/payroll provider?

## **Personal Leave Experiences**

1. How long were you employed in 2023? (Status)
2. How well-versed are you about ASSLA?
3. Did you experience any difficulties in requesting leave under ASSLA?

## **Awareness**

Review 2 Statements

The first statement pertains to the exact provisions of ASSLA and ESSLA.

**Statement 1:** Companies operating in D.C. are required to offer employees paid leave for work absences associated with domestic violence or abuse according to the Accrued Sick and Safe Leave Act of 2008 (ASSLA) and Earned Sick and Safe Leave Amendment Act of 2013 (ESSLA).

1. Are you aware of this provision of ASSLA/ESSLA?
2. Have you personally used this statement to support to use leave?

**Statement 2:** The amendments do not alter the amount of leave to which an employee is entitled under the Act, the Earned Sick and Safe Leave Amendment Act of 2013 makes significant changes to leave accrual, access, and retention, strengthens the Act's retaliation provisions, increases enforcement mechanisms and penalties, including a private right of action, creates new recordkeeping requirements, and extends its coverage to tipped and temporary employees. As such, employers should review and revise their paid leave policies, as necessary to comply with these new leave requirements.

1. Are you aware of this provision of ASSLA/ESSLA?

**Other Questions:**

1. Have you ever reached out to the District Government in support of or filed a complaint due to issues of leave and payment? What happened? Which agency? How was it handled?
2. What resources, tools, or additional information would you like made available to better prepare and support you and your understanding of ASSLA?
3. How can these resources be most effectively communicated to you? How can it be improved?

**Recommendations**

4. Do you have any additional recommendations for how the District government can better support employees when it comes to ASSLA or any matters of leave and wage by employers?
5. Are there any patterns or concerns you are seeing that are common issues in your industry as it relates to ASSLA or leave?

## Appendix C: Agency Interview Questions

### Accrued Sick and Safe Leave Act (ASSLA) Study Interview Questions

**Interviewee:** Graham Lake, Chief, Workers' Rights and Antifraud Section, Office of the Attorney General (OAG)

**Interviewer:** Trinette Smith-Campbell, contracted through Bayne LLC

**Interview Date and Time:** August 16, 2024 @ 1 pm (virtual)

1. What role does your office play in overseeing the enforcement of ASSLA and ESSLA?
2. How does your agency work together with other agencies in enforcing the law and staying in compliance?
3. Overall, how do you feel your organization is doing with enforcing the law?
4. Are there any industries that have more problems than others? What are the challenges? How can they be improved?
5. During calendar year 2023, did your office have an opportunity to collaborate with DOES or DLCP on employer education about ASSLA/ESSLA compliance requirements? If so, what were these events or activities?
6. OAG has secured several settlements in the past few years against companies that committed wage theft. In the last 24 months, what percentage of cases were referred through DOES?
7. If someone reaches out to OAG first with an allegation of an ASSLA violation, does OAG begin an independent investigation or do you immediately notify DOES?
8. Briefly describe processes your organization uses to manage handoffs when an allegation needs to be referred to DOES.
9. Which District government agencies support or play a role in OAG's litigation process or settlement negotiations?

## **Accrued Sick and Safe Leave Act (ASSLA) Study Interview Questions**

**Interviewee:** Daniel King, Associate Director, Office of Wage & Hour Division, DOES

**Interviewer:** Trinette Smith-Campbell, contracted through Bayne LLC

**Interview Date and Time:** July 29, 2024 @ 3 pm (virtual)

### **Strategic Priorities**

1. What strategic priorities have you identified for the ASSLA program?
2. What have you identified as programmatic strengths?
3. Have you identified opportunities to strengthen program operations? If so, what have you identified and currently working on?

### **Staffing in 2023**

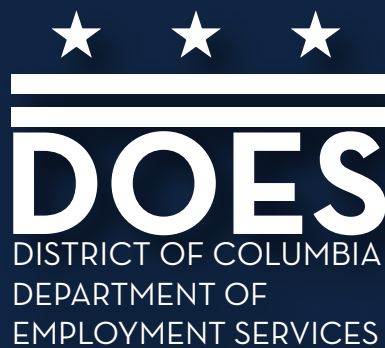
What's the organizational structure and range of positions allocated to the ASSLA program?

1. In 2023, how many staff positions were dedicated to administering and managing the ASSLA program?
2. In 2023, did you experience staff losses that directly impacted the administration and management of ASSLA? If so, what methods were used to effectively meet programmatic goals?
3. In 2023, did you increase staffing or fill positions allocated to administer or manage the ASSLA program?

### **Sick and Safe Leave Study Questions**

1. What actions has OWH taken to address the recommendations identified in the most recent Accrued Sick and Safe Leave Act Study?

- a. **Recommendation 1:** Revisit ASSLA poster requirements for hybrid/remote work environments.
  - b. **Recommendation 2:** Increase outreach to ensure workers are aware of their rights to use leave in stalking, abuse, or domestic abuse violence situations.
2. How has OWH continued to build on strategies and processes implemented to address the following recommendations:
  - a. Strengthen communication efforts with business owners and employees.
  - b. Develop employer and employee training tools.
3. Do you have data from either business owners or employees that help guide changes to outreach efforts? If yes, how have you used the data to shape ASSLA program delivery efforts.
4. Please identify industry specific, business owner focused, ASSLA education/information campaigns OWH conducted in calendar year 2023.
5. Please identify industry specific, employee focused, ASSLA education/information campaigns OWH conducted in calendar year 2023.
6. Did OWH conduct sick leave audits in 2023? If so, how many per industry group?
7. With respect to ASSLA compliance and enforcement activities, OWH leverages data and trends to identify problematic industries.
  - a. In 2023, what emerging trends or continuing themes did OWH identified for action?
  - b. What processes does OWH use to maintain the integrity of the data?



DC DEPARTMENT OF EMPLOYMENT SERVICES

## OFFICE OF WAGE-HOUR COMPLIANCE

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