

Workers who spend at least 50% of their time working in the District of Columbia are entitled to paid sick leave per the Accrued Sick and Safe Leave Act of 2008 and the Earned Sick and Safe Leave Amendment Act of 2013.

This fact sheet provides basic information to help employees and employers understand their benefits and responsibilities under the law.

## **SICK TIME ACCRUAL**

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**For workplaces with 1 to 24 employees,** employees accrue 1 hour per 87 hours worked; not to exceed 3 days per calendar year.

**For workplaces with 25 to 99 employees OR tipped restaurant bar/employees,** employees accrue 1 hour per 43 hours worked; not to exceed 5 days per calendar year.

**For workplaces with 100 or more employees:** employees accrue 1 hour per 37 hours worked; not to exceed 7 days per calendar year.

Accrued paid sick leave carries over from year to year, but employers do not have to provide the cash equivalent of unused paid sick leave to employees who resign or are terminated.

Additionally, an employee shall not use, in a calendar year, more paid leave accrued pursuant to the Act than the maximum number of hours that the employee may accrue annually.

## **ACCEPTED REASONS FOR SICK/SAFE LEAVE**

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Employees can use paid leave for:

- A medical condition, or to care for ill family members
- Medical care for themselves or certain family members
- Issues pertaining to domestic violence or sexual abuse

Employers may require employees to provide certification (e.g., note from a doctor) after three or more consecutive days of absence. The certification does not have to specify any illness or reason.

See Accrued Sick and Safe Leave Act of 2008, D.C. Code §32-531.02(b) for the entire list of acceptable reasons.

## **COVERED FAMILY MEMBERS**

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Under the law, covered family members include:

- A spouse or domestic partner
- Parents and siblings of the employee or their spouse
- Children, including grandchildren, foster children, and children at home for whom the employee has parental responsibility
- A person who has lived with the employee for 12 months or more

## LEAVE FOR COVID-19

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During the District's COVID-19 public health emergency, a law entitled workers to paid leave specifically for reasons related to COVID-19. Workers may still use sick leave for COVID-19 per the ASSLA based on the size of their employer.

## FILING A CLAIM

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Workers can file a claim through the DC Office of Wage-Hour (OWH) by:

- Visiting [DOES.dc.gov/page/office-wage-hour-employees](https://www.does.dc.gov/page/office-wage-hour-employees)
- Emailing [owh.ask@dc.gov](mailto:owh.ask@dc.gov)
- Calling (202) 671-1880

## EXEMPTIONS

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Employees who do not earn overtime payment shall not accrue leave for hours worked beyond a 40-hour work week.

Exempt employees fit one of the following categories:

- Executive
- Administrative
- Professional
- Outside Sales

The law also does not require paid sick leave for:

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

## ENFORCEMENT

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Be aware: The District is cracking down to ensure employers comply with leave laws and don't use staffing patterns to get around the laws' intent.

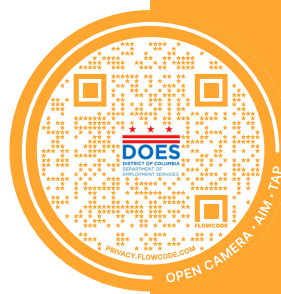
The OWH can investigate possible violations, access employer records, enforce the paid sick leave requirements, order reinstatement of employees terminated for asserting rights to paid sick leave, order payment of paid sick leave unlawfully withheld, and impose penalties.

The District will fine any employer who willfully violates the law \$1,000 for the first offense, \$1,500 for the second offense, and \$2,000 for the third and any subsequent offenses.


The law requires employers to maintain accurate time and payroll records that reflect the use of paid leave for no less than three years.

Employees who believe they were wrongfully denied leave, received incorrect wages, or were unlawfully terminated may file a complaint with OWH at [www.does.dc.gov](http://www.does.dc.gov). By law, employers cannot take punitive action against employees who file a complaint.

**For more information and to file claims or complaints**, scan the QR code with the photo app of your smartphone.



## LEARN MORE

 202-671-1880

 [owh.ask@dc.gov](mailto:owh.ask@dc.gov)