

UNEMPLOYMENT INSURANCE GUIDANCE

1. SICK AND SAFE LEAVE LAWS

The Accrued Sick and Safe Leave Act of 2008 requires employers in the District of Columbia to provide paid leave to employees for illness and absences associated with domestic violence or sexual abuse. The DC Wage Payment and Wage Collection Law requires that all employers pay their employees at least twice monthly on designated paydays, pay all earned and promised wages, and pay wages timely upon termination of employment. If an employee desires to use Sick and Safe Leave associated with the Covid-19, the employee may use the accrued leave.

Who is eligible to file a claim?

- An employee (an employee means any individual employed by an employer) taking care of:
- A spouse or domestic partner
- The parents of either the employee or the spouse
- Children, including grandchildren and foster children
- Brothers and sisters of either the employee or the spouse
- A residing child for whom the employee has parental responsibility
- A person who has co-habitated with the employee for no less than 12 months

Employees Not Covered

- Independent contractors
- Students
- Healthcare workers who choose to participate in a premium pay program
- Volunteers who work in non-profit organizations, charitable, religious or educational establishments
- 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

Number of Hours Accrued Based on Employer Requirements

If an employer has...	Employees accrue...	Not to exceed...
100 or more employees	1 hour per 37 hours worked	7 days per calendar year
25 to 99 employees	1 hour per 43 hours worked	5 days per calendar year
1 to 25 employees	1 hour per 87 hours worked	3 days per calendar year
Tipped restaurant employees*	1 hour per 43 hours worked	5 days per calendar year

DEPARTMENT OF EMPLOYMENT SERVICES

How to file a claim for sick leave?

In order to file a claim with the Office of Wage-Hour, DC workers may read about various claim forms and access pdf fillable forms on the OWH Website's section for Employees:

<https://does.dc.gov/page/office-wage-hour-employees>

To enable full-time and part-time employees who spend 50% or more of their time working in the District of Columbia to receive paid leave for absences resulting from:

- A medical condition or to care for ill family members
- To receive medical care for themselves or their family members

How does an employee inform an employer that he/she wants to use paid leave?

- If the paid leave is foreseeable, the request shall be provided in writing to the employer at least 10 days or as early as possible, in advance of the paid leave
- If the paid leave is unforeseeable, an oral request for paid leave shall be provided prior to the start of the work shift for which the paid leave is requested.
- In the case of an emergency, the employer shall be notified prior to the start of the next work shift or within 24 hours of the onset of the emergency, whichever occurs sooner.

An employer may require that paid leave for 3 or more consecutive days be supported by reasonable certification supplied by an employee

2. PUBLIC SECTOR AND PRIVATE SECTOR WORKERS' COMPENSATION

Public Sector and Private Sector Workers' Compensation Programs are almost identical in nature. The employer is responsible for the injury or occupational disease contracted by the employee during the course and scope of their employment and will be liable to pay indemnity and medical payments to the injured worker. In case of an epidemic, it is possible and foreseeable that the federal government may issue some guidelines on a broader scale than stated by the law at the present time. The program is fully equipped to deal with any emergency which may arise in the future to meet the demand of the injured workers' needs in a timely manner. We are prepared for all eventualities.

Steps for Filing a Claim

1. Report job-related injury or illness promptly to the employer.
2. Report job-related injury or illness in writing to the Office of Workers' Compensation within 30 days of occurrence or awareness.
3. Complete the DCWC Form 7. The form can be obtained from the employer, insurance carrier, or Office of Workers' Compensation.
4. Keep a copy of the completed form for your records, file a copy with your employer and send the original to the Office of Workers' Compensation.
5. DCWC Form 7A must be filed within one year after injury or death. The form can be obtained from the employer, insurance carrier, or the Office of Workers' Compensation.

UNEMPLOYMENT INSURANCE GUIDANCE

Additional processes for filing for a formal administrative hearing (Application for Formal Hearing) and an appeal (Application for Review) are provided:

- Administrative Hearing: For any private-sector employee who files a claim that he/she is disabled from doing their regular job due to becoming infected with the coronavirus, there essentially would be no difference in processing the request for a formal hearing. As in the cases where the employee alleges an injury on the job and is seeking wage loss and medically and causally related benefits as a result of that injury, the same would be case for a health worker or first responder who becomes infected with the virus as a result of treating someone with the virus. As usual, the question becomes whether any loss of wages and the medical expenses that occur arose out of and in the course of employment and are medically causally related.
- The above procedure would also apply for the general workers at a hospital or clinic, such as maintenance workers, receptionists, etc. This would also include delivery workers, and the list goes on, who come into contact, during the regular course of performing their duties, with someone who later is determined to have been infected. The worker seeking benefits would need to file a claim and obtain the necessary documentation to support that claim as it proceeds through the workers' compensation claims process, to the formal hearing, and to any subsequent appeals.

Appeals: For a worker who incurs an illness from work, to be eligible for workers' compensation benefits, the illness must arise out of and in the course of employment –that is there must be something about the work that caused the exposure. Health workers and first responders who sustain the virus from treating or taking care of a person who is sick would clearly be eligible for workers' compensation benefits.

3. OCCUPATIONAL HEALTH AND STANDARDS ADMINISTRATION (OSHA)

The OSH team will respond in accordance to any request by the national office through the Director of Employment Services for support. The OSH team will deploy as directed to the essential needs for Occupational Safety and Health Services where needed for personal or atmospheric monitoring or other support such as PPE training and industrial hygiene practices. The OSH team will respond to the District needs in accordance with the Continuity of Operations Plan (COOP) of the District and the Department of Emergency Services.

4. UNEMPLOYMENT COMPENSATION

Eligibility Criteria

A person eligible to receive Unemployment Insurance (UI) must meet the following criteria:

- Be unemployed through no fault of your own
- Able to work
- Available to work
- Actively seeking work

UNEMPLOYMENT INSURANCE GUIDANCE

Scenarios:

Q. What if a business is closed due to the coronavirus and employees are placed on standby?

A. The Department of Employment Services (DOES) would recommend the waiver of the work search requirements per D.C. Code § 51-109.

Q. What if a claimant is laid off because their place of work closed permanently due to the coronavirus?

A. The individual will be required to meet all eligibility requirements to receive UI benefits.

Q. What other benefits are available to individuals infected by the coronavirus?

A. Depending on the circumstances, individuals infected by the coronavirus will be provided information regarding all possible benefit options, including Paid Family Leave (PFL), Workers' Compensation and sick or annual leave.

Additional Information

In the event of a declared state of emergency in the District of Columbia, at the request of the mayor to the president, the District will enable the Disaster Unemployment Assistance (DUA) program which provides temporary benefits to individuals whose employment or self-employment has been lost or interrupted as a direct result of a major disaster and who are not eligible for regular unemployment insurance (UI). Direct result meaning loss of employment or self-employment because of the major disaster itself and not the result of a longer chain of events caused or worsened by the disaster. The District will assess individual eligibility, through the DUA application process, prior to finding claimants eligible for DUA benefits. Should individuals be deemed eligible for regular UI benefits, they will receive regular benefits instead of DUA benefits.

FEMA provides the funding for DUA benefit payments and the costs for states to administer the program. DUA payments are made by state UI agencies to eligible individuals unemployed as a direct result of the disaster.

How to access services: To begin the process of filing for your unemployment benefits, you will need to have the following information readily available:

- a) *Your social security number*
- b) *Your most recent 30-day employer's name(s), address(es), phone number(s) and dates of employment*
- c) *Your DD214, if you are ex-military*
- d) *Your Standard Form 8 or Standard Form 50, if you are a former federal employee*
- e) *Severance pay information (only applicable if you did or will receive severance pay)*
- f) *Your Alien Registration Number, if you are not a US Citizen*
- g) *Please note that confidential unemployment compensation information may be requested and utilized for other governmental purposes, including, but not limited to, verification of eligibility under other government programs. This notice is required by 20 C.F.R. § 603.11 - How do States notify claimants and employers about the uses of their information?*

Website: For additional information and to file your claim please visit

<https://does.dc.gov/service/start-your-unemployment-compensation-process>