

DISTRICT OF COLUMBIA ENACTS SICK AND SAFE LEAVE ACT

The District of Columbia has enacted the Accrued Sick and Safe Leave Act of 2008 (“Act”), which goes into effect on November 13, 2008. The Act requires District of Columbia employers to provide to employees who work in the District paid leave that can be used for absences due to:

- the illness, injury, or medical condition of the employee;
- obtaining professional medical diagnosis or care by the employee;
- caring for a family member of the employee who has an illness, injury, medical condition, or needs professional medical diagnosis or care; or
- seeking or obtaining social or legal services pertaining to the stalking, domestic violence, or sexual abuse of the employee or a family member of the employee.

The amount of paid leave required to be made available to an employee under the Act (employers can provide more if they choose) will depend on the size of the employer:

- Employers with less than 25 employees must provide one hour of paid leave for every 87 hours worked, not to exceed 3 days per calendar year.
- Employers with 25 to 99 employees must provide one hour of paid leave for every 43 hours worked, not to exceed 5 days per calendar year.
- Employers with 100 or more employees must provide one hour of paid leave for every 37 hours worked, not to exceed 7 days per calendar year.

This paid leave is to accrue in accordance with the employer’s established pay period, and an employee can begin to access paid leave after 90 days of service. Unused accrued leave carries over annually, but is not required to be reimbursed upon termination of employment.

Employers with paid leave policies will not be required to modify their policies if the policy offers employees the option, at the employee’s discretion, to accrue and use leave if leave is accrued at least at the applicable rate stated above and can be used for the same purposes provided in the Act.

Employers will be required to post a notice describing the Act, which will be prepared and made available by the District of Columbia government.

District of Columbia employers should carefully review their leave policies to determine whether any modifications may be appropriate. Those subject to the federal Family and Medical Leave Act (50 or more employees) and/or the District of Columbia Family and Medical Leave Act (20 or more employees) should also review their policies under those laws to determine whether any changes may be appropriate with respect to the use of paid leave.