

KNOW YOUR RIGHTS: Washington, D.C. Paid Sick Time

1) What does the Washington, D.C. Paid Sick Time law do?

Washington, D.C.'s permanent paid sick time law gives workers sick time that can be used to recover from physical/mental illness or injury; to seek medical diagnosis, treatment, or preventative care; to care for a family member who is ill or needs medical diagnosis, treatment, or preventative care; or to address needs that may arise if the worker or a family member is a victim of domestic violence, sexual abuse, or stalking.

On April 10, 2020, the COVID-19 Response Supplemental Emergency Amendment Act of 2020 became effective in Washington, D.C. The Act gives covered workers (as described in the next section) additional emergency paid leave specific to COVID-19 for absences from work if the worker:

- Is caring for a child whose school or place of care has been closed due to COVID-19, or whose child care provider is unavailable because of COVID-19;
- Is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
- Has been advised by a health care provider to self-quarantine because of COVID-19 concerns;
- Is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- Is caring for an individual who is subject to a federal, state, or local quarantine or isolation order related to COVID-19, or for an individual who has been advised by a health care provider to self-quarantine because of COVID-19 concerns; or
- Is experiencing any other substantially similar condition specified by the U.S. Secretary of Health and Human Services in consultation with the U.S. Secretary of Labor and U.S. Secretary of the Treasury.

The emergency law, which has been amended several times, remains in effect until April 1, 2021 (and could be extended). While the law is in effect, workers can only receive emergency paid leave during the period for which the Mayor has declared a COVID-19 emergency (and any extensions of the Mayor's emergency orders).

2) Am I covered?

Under Washington, D.C.'s permanent paid sick time law: if you work as an employee in Washington, D.C., you are probably covered, whether you are a **full-time, part-time, or temporary** worker. However, the law does not cover federal employees, independent contractors, students, health care workers choosing to participate in a premium pay program, casual babysitters, and a few other narrow groups.

Under the COVID-19 emergency paid leave law: if your workplace has **between 50 and 499 workers, your employer is not a health care provider**, and you are taking leave for one of the

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COVID-19-related purposes explained above (under Question #1), you are probably covered whether you are a **full-time, part-time, or temporary** worker. However, the law does not cover federal employees, independent contractors, students, casual babysitters, and a few other narrow groups. The exemption for workers employed by a health care provider is broad, since health care provider is defined to include a “doctor's office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, employer, or entity.”

3) How much paid sick time can I earn under Washington, D.C.’s permanent paid sick time law and receive under the COVID-19 emergency paid leave law?

Under Washington, D.C.’s permanent paid sick time law:

- If your workplace has **24 or fewer workers**, you earn **1 hour** of paid sick time for **every 87 hours worked**, up to a maximum of **24 hours** per year.
- If your workplace has **25-99 workers**, or if you work in a restaurant or bar and regularly receive tips to supplement a base wage that is below the minimum wage, you earn **1 hour** of paid sick time for **every 43 hours worked**, up to a maximum of **40 hours** per year.
- If your workplace has **100 or more workers**, you earn **1 hour** of paid sick time for **every 37 hours worked**, up to a maximum of **56 hours** per year.

Under the COVID-19 emergency paid leave law: full-time workers can take emergency paid leave for 2 full weeks, up to 80 hours. Part-time workers can take emergency paid leave for 2 full weeks for their usual number of hours worked in a 2-week period. Unlike paid sick time under Washington, D.C.’s permanent paid sick time law, workers do not have to earn—based on hours worked—this emergency paid leave for COVID-19. See #6 below about how COVID-19 emergency paid leave interacts with other paid leave that is available to workers in D.C.

4) What if my work or my child’s school or daycare is closed for a health emergency?

You cannot use your sick time under Washington, D.C.’s permanent paid sick time law because your work or your child's school or day care is closed unless you would otherwise be able to use your sick time (for example, if you are sick or caring for a sick family member).

However, you can use emergency paid leave under the COVID-19 emergency paid leave law to care for a child whose school or place of care has been closed due to COVID-19, or whose child care provider is unavailable because of COVID-19.

5) Which of my family members are covered by the law?

Under Washington, D.C.’s permanent paid sick time law: you can take sick time to care for yourself or a child, spouse, registered domestic partner, parent, parent of a spouse or registered

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domestic partner, grandchild, sibling, spouse or registered domestic partner of a child, grandchild, or sibling, or for a person with whom you have a committed relationship and have shared a mutual residence for at least the preceding 12 months.

Under the COVID-19 emergency paid leave law: you can take emergency paid leave to care for a child whose school or place of care has been closed due to COVID-19, or whose child care provider is unavailable because of COVID-19.

Washington, D.C.'s COVID-19 emergency paid leave law also allows workers to care for “an individual” who is subject to a quarantine/isolation order, or who has been advised by a health care provider to self-quarantine, due to COVID-19 concerns. We also expect “individual” to be interpreted as under federal regulations, which includes: an immediate family member, a member of your household, or other person that you’d be expected to care for if they are subject to quarantine or isolation (or has been advised to self-quarantine) because of COVID-19 as explained above.

6) What if I already have paid leave or paid time off?

Under Washington, D.C.'s permanent paid sick time law: if you already get any paid leave (vacation, paid time off, etc.) that you can use as sick time *and* it’s **at least** the same amount you would earn under this law, the law does **not** give you any additional paid time off.

Under the COVID-19 emergency paid leave law: you can elect to either use emergency paid leave at the same time that you’re also taking other paid leave you’re entitled to under federal law, other Washington, D.C. laws, and/or your employer’s leave policy *or* after you’ve exhausted such leave. However, if you elect to take your COVID-19 emergency paid leave *after* you’ve exhausted other paid leave, your employer can reduce your emergency paid leave by the number of hours of paid leave you’ve taken under federal law, other Washington, D.C. laws, and/or your employer’s leave policy.

7) When can I begin using my sick time?

Under Washington, D.C.'s permanent paid sick time law: you start earning sick time immediately but cannot use it until 90 days after the start of your employment.

Under the COVID-19 emergency paid leave law: you may take emergency paid leave 15 days after the start of your employment.

8) Do I need a doctor’s note?

Under Washington, D.C.'s permanent paid sick time law: only after 3 or more consecutive days of absence (and the note does not have to specify your illness).

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Under the COVID-19 emergency paid leave law: only after 3 or more consecutive working days of paid leave and only if your employer contributes payments toward a health insurance plan on your behalf. If your employer asks for a note, you don't have to provide one until 1 week after you return from work.

The Washington, D.C. Department of Employment Services is in charge of enforcing this law.

All covered workers are protected against being fired or punished for using or requesting sick or safe time or emergency leave. If you have a problem—or want more information—call A Better Balance's **free** legal clinic at **1-833-NEED-ABB**.

Please note that this fact sheet does not represent an exhaustive overview of the paid sick time law and emergency paid leave law described, and it does not constitute legal advice. It is possible that additional provisions not described in this fact sheet may apply to a worker's specific circumstances or category of employment.