



## CLIENT ALERT

### DC's Accrued Sick and Safe Leave Act: What You Need to Know

As many may already be aware, DC's *Accrued Sick and Safe Leave Act of 2008* ("SSLA") was amended in 2013 and took effect on February 22, 2014. The amended Act, now in effect, increases the number of eligible employees and makes additional changes to include temporary workers.

#### **Changes to SSLA Include:**

- Temporary workers, not covered originally in the 2008 regulation, are now included under the Act.
- SSLA leave will accrue immediately beginning on the date of hire, which can be exercised after 90 days of employment. Under the new amendment, employees accrue hours based on the size of the primary employer.
- The amendment supports employee defenses against retaliation and offers language to permit employees to sue for violations of the SSLA. Employers covered by the Act, defined as having at least one employee or more working in the District of Columbia, must post the Notice (mandatory poster) in a visible workplace setting that can be easily accessed and read by all employees. Employers who fail to display the Notice are subject to fines.

The controversial Act has caused much confusion surrounding its effective date, since the amendment provisions do not "apply" until the budget is approved as mentioned in the amendment. [ *Section 3 of D.C. Law 20-89 [the Act] provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.* ] In addition, many of the new provisions are not incorporated into the official DC Code causing even more ambiguity.

Regardless of the obvious confusion, most industry groups, including the Society for Human Resource Management (SHRM), advise immediate compliance. Also, employers and co-employers should expect that once the Act does go into effect, retroactive leave accrual to February 22, 2014, is highly conceivable. Finally, as mentioned, this legislation does suggest risks to employers for private civil litigation as possible recourse.

#### **Takeaway:**

As a precautionary measure, **Legal E Employment Partners** has adopted a responsible and accountable approach to minimize risk to its clients and is in full-compliance with recent (adopted and suggested) legislation. Retroactive to February 22, 2014, all temporary employees on Legal E's payroll are accruing SSLA leave. This is one of many Legal E initiatives designed to enhance services and establish ongoing, mutually beneficial partnerships with the legal community. Serving as your trusted employment partner, Legal E continues to receive regular updates concerning evolving legislation in an effort to offer fully compliant staffing solutions to its clients.

***Please note Legal E is not authorized to practice law and the above information should not be construed as legal advice.***

## **About Legal E:**

Founded in 2003, **Legal E** is a premier legal employment service provider and has been recognized for the past three years as one of DC's top Legal/Litigation Staffing firms by Legal Times Readers Survey. As a certified WBENC business, **Legal E** is dedicated to providing area law firms, corporations and non-profits with highly qualified attorneys, paralegals and support staff for contract and direct-hire services.

To learn more about **Legal E**'s services and business practices, please contact Jeanette Derby, President, at [jderby@mylegale.com](mailto:jderby@mylegale.com) or call (202) 319-1500 or visit [www.mylegale.com](http://www.mylegale.com).