

Covid-19

State and Federal Paid Leave Programs: Information for 32BJ Members in Washington, DC.

*****Information is changing rapidly. Visit state agency websites for the latest updates*****

This leaflet provides information on Washington, DC. and Federal programs to provide paid leave when you are out of work due to COVID-19 for any reason. *Each program has its own eligibility requirements. In addition, you may have paid leave benefits under your contract. Check your contract for more details.*

This sheet shows what programs you may be eligible for. More details on the programs follow.

YOU MAY BE ELIGIBLE FOR THE PROGRAMS LISTED BELOW, IF YOU ARE MISSING WORK BECAUSE:

1. Your Personal Health

- a. You Have COVID-19 or Its Symptoms (Cough, Fever, and Shortness of Breath)
 - i. Accrued Safe and Sick Leave
 - ii. D.C. Paid Family Leave (benefits payable from July 1, 2020)
 - iii. U.S. Government Emergency Paid Leave
- b. You Are Under Quarantine Because You Have Been Exposed to Someone Who Tested Positive or a Doctor Ordered Self-Quarantine Because Heightened Risk Factors
 - i. Accrued Safe and Sick Leave
 - ii. D.C. Paid Family Leave (benefits payable from July 1, 2020)
 - iii. U.S. Government Emergency Paid Leave
- c. Refuse to Work Because of Danger of Exposure
 - i. Accrued Safe and Sick Leave

2. Work Not Available

- a. Because Business Closed Under Government Order
 - i. Accrued Safe and Sick Leave
 - ii. Unemployment Insurance
- b. Employer Has Lack of Work
 - i. Unemployment Insurance

3. You Have to Care for a Loved One

- a. Who is Sick
 - i. Accrued Safe and Sick Leave
 - ii. D.C. Paid Family Leave (benefits payable from July 1, 2020)
 - iii. Emergency U.S. Government FMLA and Paid Sick
- b. Child Who is Home from Closed School or Day Care Center
 - i. U.S. Government Emergency Family Leave

PROGRAM DETAILS

I. Accrued Safe and Sick Leave¹

- a. Who Pays:
 - i. Employer.
- b. Benefit:
 - i. Sick leave for employees accrues as follows:
 1. Employers with 100 or more employees must provide each employee at least 1 hour of paid leave for every 37 hours worked, capped at 7 days of leave per year.
 2. Employers with 25 to 99 employees must provide each employee at least 1 hour of paid leave for every 43 hours worked, capped at 5 days of leave per year.
 3. Employers with 24 or less employees must provide each employee at least 1 hour of paid leave for every 87 hours worked, capped at 3 days of leave per year.
- c. Use:
 - i. Paid leave accrued under this section may be used by an employee for any of the following:
 1. a physical or mental illness, injury, or medical condition of the employee; or
 2. obtaining professional medical diagnosis or care, or preventive medical care, for the employee
 3. any of the needs listed in (1) and (2) for for a child, a parent, a spouse, domestic partner, or any other family member²
 4. if the employee or the employee's family member is a victim of stalking, domestic violence, or sexual abuse.
- d. Eligibility:
 - i. All employees who perform work in D.C. (including on a part-time or temporary basis) begin accruing sick leave on their hire date, and may begin using it after 90 days.
- e. Requirements:
 - i. Notification –
 1. If the sick leave is foreseeable, provide written notice at least 10 days prior, or as early as possible.
 2. If not foreseeable, an oral request should be made before the start of the work shift.
 3. In the case of an emergency, notify the employer within 24 hours.

¹ <https://does.dc.gov/sites/default/files/dc/sites/does/publication/attachments/ASSLA.pdf>.

² "Family member" includes: spouse or domestic partner, parents, parents-in-law, children (foster or grandchildren included), children's spouses, siblings, siblings' spouses, children living with the employee and for whom the employee permanently assumes and discharges parental responsibility, or a person who has shared a mutual residence and committed relationship with the employee for at least the preceding 12 months.

- ii. Certification –
 - 1. If the leave is for 3 or more days, an employer may require a signed document from a healthcare provider.
- iii. Employer can request an exemption.
- f. More information:
https://does.dc.gov/sites/default/files/dc/sites/does/page_content/attachments/ASSLA%20Poster%20-%20English%20Spanish%20Combo%20-%20FINAL.pdf.

II. **D.C. Paid Family Leave**³

- a. Who Pays:
 - i. Private-sector employers in the District pay a .62% tax to fund the paid-leave benefit. The Paid Family Leave tax is 100% employer-funded and may not be deducted from a worker's paycheck.
- b. Benefit:
 - i. If you are eligible, you may receive a weekly benefit amount which is based on your weekly wages.
 - ii. Amount:
 - 1. Paid-leave benefits are calculated based on an eligible individual's average weekly wage; the total wages in covered employment earned during the highest 4 out of 5 quarters (the base period) immediately preceding a qualifying event, divided by 52.
 - 2. You can calculate your estimated weekly benefit amount on the Department of Employment Services (DOES) website.⁴
 - iii. Cap:
 - 1. The current maximum weekly benefit amount is \$1,000.
- c. Use:
 - i. 6 weeks to care for a family member with a serious health condition;
 - ii. 2 weeks to care for your own serious health condition; and
 - iii. 8 weeks to bond with a new child.
- d. Eligibility:
 - i. Workers who spend more than 50% of their work time for an employer in DC during some or all of the 52 weeks immediately preceding the leave.
 - ii. Workers must be employed by a covered employer⁵ when they apply and their wages must have been reported.
 - iii. If you are receiving unemployment compensation benefits, you are not eligible for Paid Family Leave.

³ <https://dcpaidfamilyleave.dc.gov/workers/>.

⁴ <https://does.dc.gov/page/dc-paid-family-leave>.

⁵ Any business performing services in D.C., that also pays Unemployment Insurance (UI) taxes for its employees, will be required to pay paid family leave contributions.
https://does.dc.gov/sites/default/files/dc/sites/does/page_content/attachments/PFL%20Employer%20FAQ%20%282%29.pdf.

- iv. Temporary, seasonal, and part-time employees may be eligible. Part-time work cannot occur during the regular hours for which the leave is being taken.
- e. Requirements:
 - i. Following the occurrence of a qualifying family or medical leave event, an eligible individual has up to 90 days to file a claim for paid-leave benefits.
 - ii. Provide written notice to the employer at least 10 days, or as soon as possible, in advance of the paid leave. In case of emergency, the employee must notify the employer within 48 hours of the emergency occurring.
- f. More Information: <https://does.dc.gov/page/about-dc-office-paid-family-leave>.

III. Workers Compensation

Note: Workers Compensation provides payments for workplace injuries or illnesses. In order to qualify, Local 32BJ members would need to prove that they contracted COVID-19 at work while doing their regular duties.⁶

IV. U.S. Government Emergency Paid Sick Leave

Note: This program applies only to companies who have 500 or fewer employees.

- a. Who pays:
 - i. Employer with less than 500 employees.⁷
- b. Use:
 - i. If under quarantine order
 - ii. A health care professional orders self-quarantine
 - iii. Having symptoms of COVID-19 and seeking diagnosis
 - iv. Caring for an individual under quarantine or health care professional advises to quarantine
 - v. Caring for a child because school has been closed due to COVID-19
 - vi. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.
- c. Benefit:
 - i. Amount:
 - 1. 2 weeks paid sick leave at regular rate of pay for worker's own illness (uses a-c);
 - 2. 2 weeks at 2/3 pay for caring for a sick individual or child at home (uses d-f).
 - ii. Cap:
 - 1. For own illness—pay is capped at \$511 a day or a total of \$5,110

⁶ <https://does.dc.gov/page/unemployment-compensation>; "COVID-19 Scenarios and Benefits Available," https://does.dc.gov/sites/default/files/dc/sites/does/publication/attachments/COVID19_DOES_Scenarios.pdf.

⁷ The Employer gets a tax credit so your taxes help pay for this program.

2. For caring for sick or child—pay is capped at \$200 a day or a total of \$2,000
- d. Eligibility:
 - i. Full-time employees eligible for 80 hours; part-time employees eligible for number of hours they average in a 2-week period
- e. Requirements:
 - i. Employers may seek hardship exemption.
- f. More information:
 - i. This program is administered by the U.S. Department of Labor. See <https://www.dol.gov/agencies/whd/fmla/pandemic>

V. U.S. Government Public Health Emergency Leave

Note: This program applies only to companies who have 500 or fewer employees.

- a. Who pays:
 - i. Employer.⁸
- b. Benefit:
 - i. 10 weeks of paid leave at 2/3 employee's regular rate:
 1. First 2 weeks without work are unpaid leave (employer may require use of any paid time off for these 2 weeks)
 2. Then up to 10 weeks of benefits.
- c. Use:
 - i. If unable to work to take care of child whose school or day care center has closed by government order.
- d. Eligibility:
 - i. Full-time and part-time employees employed for at least 30 days.
- e. Requirements:
 - i. Employers may seek exemptions.
- f. More information:
 - i. This program is administered by the U.S. Department of Labor. See <https://www.dol.gov/agencies/whd/fmla/pandemic>

⁸ The Employer gets a tax credit so your taxes help pay for this program.

