



Office of the District of Columbia Auditor

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Office of the District of Columbia Auditor Releases Audit of the Accrued Sick and Safe Leave Act of 2008

Today, the Office of the District of Columbia Auditor (ODCA) released its audit of the Accrued Sick and Safe Leave Act of 2008 (Act).

The Act requires employers to provide employees in the District with paid sick days to care for themselves or family members and access to paid leave for work absences associated with domestic violence or abuse. The Office of Wage and Hour of the Department of Employment Services administers the Act and requires that District employers offer one hour of paid leave for every 37 to 87 hours - depending on the size of the firm - to every employee employed for a 12 month period by the same employer.

In addition to the District of Columbia, Seattle, Washington, Portland, Oregon, San Francisco, California and Connecticut enacted paid sick leave legislation.

The Act requires ODCA to prepare an annual report to determine whether employers in the District complied with the requirement to post a notice of the requirements of the Act. We also reviewed the administration of the Act by District agencies and assessed the economic impact of the Act on the private sector.

We found that 91% of the businesses that we inspected complied with the requirement to post the requirements of the Act. We also found that since the Act became effective in 2008, the Department of Human Resources did not develop a payroll processing system to track paid sick leave for intermittent District government employees. As a result, District of Columbia government intermittent employees did not receive paid sick leave. Through the audit, we found that the Act required the establishment of rules to provide an exemption if the requirements of the Act created a burden. However, the hardship exemption rules were not finalized.

Based on interviews and questionnaire responses, it appears that the Act did not have the economic impact of encouraging business owners to move a business from the District nor did the Act have

the economic impact of discouraging business owners to locate a business in the District of Columbia.

One key recommendation that the Auditor provided was that the Council of the District of Columbia should amend the Act to require employers to retain records documenting hours worked by employees, paid sick leave accrued and taken by employees and provide the Auditor access to such records.

While the Act requires the Auditor to determine whether companies utilized staffing patterns to circumvent the intention of the Act, the District does not include a provision which require employers to retain and make available records documenting hours worked by employees and paid sick leave taken by employees. In the absence of an Employer Records provision, it will be extremely difficult for the Auditor to obtain the necessary data to determine whether employers utilized staffing patterns to circumvent the intention of the Act.

“We are certain that the recommendations presented in the Audit of the Accrued Sick and Safe Leave Act report will improve the operations of the Department of Employment Services and the Department of Human Resources,” said Yolanda Branche, District of Columbia Auditor. “We await the continued implementation of our recommendations by the Department of Employment Services and the Department of Human Resources.”

[Click here](#) to view the report in its entirety. Visit dcauditor.org or call 202-727-3600 for more information about this report or the Office of the District of Columbia Auditor.

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