

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 32.

LABOR.

CHAPTER 10.

MINIMUM WAGES.

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DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 10. MINIMUM WAGES.

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CHAPTER 10. MINIMUM WAGES.

SUBCHAPTER I. GENERAL.

§ 32-1001. FINDINGS AND DECLARATION OF POLICY.

(a) The Council of the District of Columbia finds that persons employed in the District of Columbia should be paid at wages sufficient to provide adequate maintenance and to protect health. Any wage that is not sufficient to provide adequate maintenance and to protect health impairs the health, efficiency, and well-being of persons so employed, constitutes unfair competition against other employers and their employees, threatens the stability of industry, reduces the purchasing power of employees, and requires, in many instances, that their wages be supplemented by the payment of public moneys for relief or other public and private assistance. Employment of persons at these insufficient rates of pay threatens the health and well-being of the people of the District of Columbia and injures the overall economy.

(b) It is declared the policy of this subchapter to ensure the elimination of the conditions referred to above.

(Mar. 25, 1993, D.C. Law 9-248, § 2, 40 DCR 761.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 36-220.

Legislative History of Laws

Law 9-248, the "Minimum Wage Act Revision Act of 1992," was introduced in Council and assigned Bill No. 9-343, which was referred to the Committee on Labor. The Bill was adopted on first and second readings on December 1, 1992, and December 15, 1992, respectively. Signed by the Mayor on January 14, 1993, it was assigned Act No. 9-394 and transmitted to both Houses of Congress for its review. D.C. Law 9-248 became effective on March 25, 1993.

Delegation of Authority

Delegation of authority pursuant to D.C. Law 9-248, the "District of Columbia Minimum Wage Act Revision Act of 1992", see Mayor's Order 93-114, July 27, 1993.

Miscellaneous Notes

Mayor authorized to issue rules: Section 17 of D.C. Law 9-248 provided that the Mayor shall issue rules necessary to carry out the provisions of the act pursuant to [subchapter I of Chapter 5 of Title 2, 2001 Ed.].

§ 32-1002. DEFINITIONS.

For the purposes of this subchapter:

- (1) The term "employ" includes to suffer or permit to work.
- (2) The term "employee" includes any individual employed by an employer, except that this term shall not include:
 - (A) Any individual who, without payment and without expectation of any gain, directly or indirectly, volunteers to engage in the activities of an educational, charitable, religious, or nonprofit organization;
 - (B) Any lay member elected or appointed to office within the discipline of any religious organization and engaged in religious functions; or
 - (C) Any individual employed as a casual babysitter, in or about the residence of the employer.
- (3) The term "employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee, but shall not include the United States or the District of Columbia.

- (4) The term "gratuities" means voluntary monetary contributions received by an employee from a guest, patron, or customer for services rendered.
- (5) The term "Mayor" means the Mayor of the District of Columbia or the Mayor's designated agent or representative, including the Department of Employment Services.
- (6) The term "occupation" means any occupation, service, trade, business, industry, or branch or group of occupations or industries, or employment or class of employment, in which employees are gainfully employed.
- (6A) The term "office building" means any commercial property where the primary functions are the transaction of administrative, business, civic, or professional services, including properties where handling goods, wares, or merchandise, in limited quantities, is accessory to the primary occupancy or use. The term "office building" does not include libraries, museums, or universities.
- (7) The term "regular rate" means all remuneration for employment paid to, or on behalf of, the employee, but shall not be considered to include the items set forth in the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 207(e)(1), (2), (3), (4), (5), (6), and (7). Extra compensation paid as described in § 207(e)(5), (6), and (7) shall be creditable toward overtime compensation.
- (7A) The term "security officer" shall have the same meaning as provided in section 2100 of Title 17 of the District of Columbia Municipal Regulations.
- (8) The term "wage" means compensation due to an employee by reason of the employee's employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, including allowances as may be permitted by any regulation issued under §§ 32-1003 and 32-1006.
- (9) The term "Washington metropolitan region" means the area consisting of the District of Columbia, Montgomery, and Prince George's Counties in Maryland, Arlington and Fairfax Counties and the Cities of Alexandria, Fairfax and Falls Church in Virginia.
- (10) The term "working time" means all the time the employee:
- (A) Is required to be on the employer's premises, on duty, or at a prescribed place;
 - (B) Is permitted to work;
 - (C) Is required to travel in connection with the business of the employer; or
 - (D) Waits on the employer's premises for work.

Interpretations of what constitutes working time shall be made in accordance with Title 29 of the Code of Federal Regulations, Part 785, Hours Worked Under the Fair Labor Standards Act of 1938, as amended, except that references to interpretations of the Portal-to-Portal Act shall have no force and effect.

(Mar. 25, 1993, D.C. Law 9-248, § 3, 40 DCR 761; Mar. 20, 2008, D.C. Law 17-114, § 2(a), 55 DCR 1276.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 36-220.1.

Effect of Amendments

D.C. Law 17-114 added pars. (6A) and (7A).

Legislative History of Laws

For legislative history of D.C. Law 9-248, see Historical and Statutory Notes following § 32-1001.

Law 17-114, the "Enhanced Professional Security Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-199 which was referred to the Committee on Public Safety and Judiciary. The Bill was adopted on first and second readings on December 11, 2007, and January 8, 2008, respectively. Signed by the Mayor on January 23, 2008, it was assigned Act No. 17-257 and transmitted to both Houses of Congress for its review. D.C. Law 17-114 became effective on March 20, 2008.

References in Text

The "Portal-to-Portal Act", referred to in (10), is 29 U.S.C. § 251 et seq.

§ 32-1003. REQUIREMENTS.

- (a)(1) Except as provided in subsection (h) of this section, as of January 1, 2005, the minimum wage required to be paid to any employee by any employer in the District of Columbia shall be \$6.60 an hour, or the minimum wage set by the United States government pursuant to the Fair Labor Standards Act (29

U.S.C. § 206 *et seq.*) ("Fair Labor Standards Act"), plus \$1, whichever is greater.

(2) Except as provided in subsection (h) of this section, as of January 1, 2006, the minimum wage required to be paid to any employee by any employer in the District of Columbia shall be \$7 an hour, or the minimum wage set by the United States government pursuant to the Fair Labor Standards Act, plus \$1, whichever is greater.

(b) A person shall be employed in the District of Columbia when:

(1) The person regularly spends more than 50% of their working time in the District of Columbia; or

(2) The person's employment is based in the District of Columbia and the person regularly spends a substantial amount of their working time in the District of Columbia and not more than 50% of their working time in any particular state.

(c) No employer shall employ any employee for a workweek that is longer than 40 hours, unless the employee receives compensation for employment in excess of 40 hours at a rate not less than 1 1/2 times the regular rate at which the employee is employed.

(d) All workers with disabilities shall be paid at a rate not less than the minimum wage, except in those instances where a certificate has been issued by the United States Department of Labor that authorizes the payment of less to workers with disabilities under § 214(c) of the Fair Labor Standards Act.

(e) No employer shall be deemed to have violated subsection (c) of this section if the employee works for a retail or service establishment and:

(1) The regular rate of pay of the employee is in excess of 1 1/2 times the minimum hourly rate applicable to the employee under this subchapter; and

(2) More than 1/2 of the employee's compensation for a representative period (not less than 1 month) represents commissions on goods or services.

(f) As of January 1, 2005, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be \$2.77 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

(g) Subsection (f) of this section shall not apply to an employee who receives gratuities unless:

(1) The employee has been informed by the employer of the provisions of subsection (f) of this section; and

(2) All gratuities received by the employee have been retained by the employee, except that this provision shall not be construed to prohibit the pooling of gratuities among employees who customarily receive gratuities.

(h) An employer shall pay a security officer working in an office building in the District of Columbia wages, or any combination of wages and benefits, that are not less than the combined amount of the minimum wage and fringe benefit rate for the guard 1 classification established by the United States Secretary of Labor pursuant to the Service Contract Act of 1965, approved October 22, 1965 (79 Stat. 1034; 41 U.S.C. § 351), as amended.

(Mar. 25, 1993, D.C. Law 9-248, § 4, 40 DCR 761; Apr. 8, 2005, D.C. Law 15-296, § 2, 52 DCR 1483; Apr. 24, 2007, D.C. Law 16-305, § 47, 53 DCR 6198; Mar. 20, 2008, D.C. Law 17-114, § 2(b), 55 DCR 1276.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 36-220.2.

Effect of Amendments

D.C. Law 15-296 rewrote subsecs. (a) and (f) which had read:

"(a) On October 1, 1993, the minimum wage required to be paid to any employee by any employer in the District of Columbia shall be the minimum wage set by the United States government from time to time pursuant to the Fair Labor Standards Act (29 U.S.C. § 206 *et seq.*) ("Fair Labor Standards Act"), plus \$1."

"(f) In determining the wage of an employee who receives gratuities, the amount paid to the employee by the employer shall be deemed to be increased on account of gratuities by an amount determined by the employer, but not by an amount in excess of 55% of the minimum wage as set by subsection (a) of this section, except that the amount of the increase on account of gratuities determined by the employer shall not exceed the value of gratuities received by the employee."

D.C. Law 16-305, in subsec. (d), substituted "workers with disabilities" for "handicapped workers".

D.C. Law 17-114, in subsecs. (a)(1) and (2), substituted "Except as provided in subsection (h) of this section, as" for "As"; and added subsec. (h).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2 of Minimum Wage Emergency Amendment Act of 2004 (D.C. Act 15-614, November 30, 2004, 51 DCR 11438).

For temporary (90 day) amendment of section, see § 2 of Minimum Wage Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-19, February 17, 2005, 52 DCR 20965).

Legislative History of Laws

For legislative history of D.C. Law 9-248, see Historical and Statutory Notes following § 32-1001.

Law 15-296, the "Minimum Wage Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-888, which was referred to the Committee on Public Services. The Bill was adopted on first and second readings on November 9, 2004, and December 7, 2004, respectively. Signed by the Mayor on December 29, 2004, it was assigned Act No. 15-692 and transmitted to both Houses of Congress for its review. D.C. Law 15-296 became effective on April 8, 2005.

For Law 16-305, see notes following § 32-241.

For Law 17-114, see notes following § 32-1002.

§ 32-1004. EXCEPTIONS.

(a) The minimum wage and overtime provisions of § 32-1003 shall not apply with respect to:

- (1) Any employee employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman (as these terms are defined by the Secretary of Labor under 201 et seq. of the Fair Labor Standards Act); or
- (2) Any employee engaged in the delivery of newspapers to the home of the consumer.

(b) The overtime provisions of § 32-1003(c) shall not apply with respect to:

- (1) Any employee employed as a seaman;
- (2) Any employee employed by a railroad;
- (3) Any salesman, partsman, or mechanic primarily engaged in selling or servicing automobiles, trailers, or trucks, if employed by a nonmanufacturing establishment primarily engaged in the business of selling these vehicles to ultimate purchasers;
- (4) Repealed.
- (5) Any employee employed as an attendant at a parking lot or parking garage; or
- (6) Any employee employed by a carrier by air who voluntarily exchanges workdays with another employee for the primary purpose of utilizing air travel benefits available to these employees.

(Mar. 25, 1993, D.C. Law 9-248, § 5, 40 DCR 761; May 31, 2012, D.C. Law 19-127, § 2, 59 DCR 2252.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 36-220.3.

Effect of Amendments

D.C. Law 19-127 repealed subsec. (b)(4), which formerly read:

"(4) Any employee employed primarily to wash automobiles by an employer whose annual dollar volume of sales is derived by more than 50% from washing automobiles, and for the employee's employment in excess of 160 hours over a period of 4 consecutive workweeks, the employee receives compensation at a rate of 1 1/2 times or more the regular rate at which he is employed;"

Legislative History of Laws

For legislative history of D.C. Law 9-248, see Historical and Statutory Notes following § 32-1001.

Law 19-127, the "Car Wash Employee Overtime Amendment Act of 2012", was introduced in Council and assigned Bill No. 19-247, which was referred to the Committee on Housing and Workforce Development. The Bill was adopted on first and second readings on February 7, 2012, and March 6, 2012, respectively. Signed by the Mayor on March 18, 2012, it was assigned Act No. 19-321 and transmitted to both Houses of Congress for its review. D.C. Law 19-127 became effective on May 31, 2012.

§ 32-1005. AUTHORITY OF MAYOR.

The Mayor or his authorized representative shall have the authority to:

- (1) Investigate and ascertain the wages of persons employed in any occupation in the District of Columbia;
- (2) Enter and inspect the place of business or employment of any employer in the District of Columbia in order to:
 - (A) Examine and inspect any books, registers, payrolls, and other records as the Mayor or the Mayor's authorized representative may deem necessary or appropriate;
 - (B) Copy books, registers, payrolls, and other records as the Mayor or the Mayor's authorized representative may deem necessary or appropriate; and
 - (C) Question an employee for the purpose of ascertaining whether the provisions of this subchapter and the orders and regulations issued thereunder have been and are being complied with; and
- (3) Require from any employer full and correct statements in writing, including sworn statements, with respect to wages, hours, names, addresses, and any other information that pertains to the employment of the employees as the Mayor or the Mayor's authorized representative may deem necessary or appropriate to carry out the purposes of this subchapter.

(Mar. 25, 1993, D.C. Law 9-248, § 6, 40 DCR 761.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 36-220.4.

Legislative History of Laws

For legislative history of D.C. Law 9-248, see Historical and Statutory Notes following § 32-1001.

§ 32-1006. REGULATORY POWERS OF MAYOR.

- (a) The Mayor shall make and revise regulations, including definitions of terms, as deemed appropriate to carry out the purposes of this subchapter or necessary to prevent its circumvention or evasion and to safeguard the minimum wage rates and the overtime provisions established by this subchapter.
- (b) The Mayor shall make regulations in order to:
 - (1) Provide reasonable allowances for board, lodging, or services customarily furnished by employers to employees; and
 - (2) Provide allowances for other special conditions or circumstance that may be usual in a particular employer-employee relationship.
- (c) The Mayor may make regulations in order to:
 - (1) Define and govern the employment of workers under 18 years of age and provide minimum wages for these workers at a rate lower than that specified in § 32-1003;
 - (2) Govern piece rates, bonuses, and commissions in relation to time rates;
 - (3) Govern part-time rates;
 - (4) Govern minimum daily wages;
 - (5) Relate to wage provisions governing split shifts and excessive spread of hours; and
 - (6) Govern uniforms, tools, travel, and other items of expense incurred by employees as a condition of employment.
- (d) The Council of the District of Columbia shall review and make recommendations, as needed, to the Mayor or the Mayor's authorized representative, to ensure that the minimum wage set by the federal government, plus \$1, is fair and adequate for employees in the District of Columbia.

(Mar. 25, 1993, D.C. Law 9-248, § 7, 40 DCR 761.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 36-220.5.

Legislative History of Laws

For legislative history of D.C. Law 9-248, see Historical and Statutory Notes following § 32-1001.

§ 32-1007. INVESTIGATORY POWERS OF MAYOR.

The Mayor shall have the power to administer oaths and require by subpoena the attendance and testimony of witnesses, the production of all books, registers, and other evidence relative to any matters under investigation, at any public hearing, or at any meeting of any committee or for the use of the Mayor in securing compliance with this subchapter. In case of disobedience to a subpoena, the Mayor may invoke the aid of the Superior Court of the District of Columbia to require the attendance and testimony of witnesses and the production of documentary evidence. In case of contumacy or refusal to obey a subpoena, the Court may issue an order to require an appearance before the Mayor, the production of documentary evidence, and the giving of evidence, and any failure to obey the order of the Court may be punished by the Court as contempt.

(Mar. 25, 1993, D.C. Law 9-248, § 8, 40 DCR 761.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 36-220.6.

Legislative History of Laws

For legislative history of D.C. Law 9-248, see Historical and Statutory Notes following § 32-1001.

§ 32-1008. DUTIES OF EMPLOYERS; OPEN RECORDS.

(a)(1) Every employer subject to any provision of this subchapter or of any regulation or order issued under this subchapter shall make, keep, and preserve for a period of not less than 3 years a record of:

- (A) The name, address, and occupation of each employee;
- (B) A record of the date of birth of any employee under 19 years of age;
- (C) The rate of pay and the amount paid each pay period to each employee;
- (D) The hours worked each day and each workweek by each employee; and
- (E) Any other records or information as the Mayor shall prescribe by regulation as necessary or appropriate for the enforcement of the provisions of this subchapter or of the regulations issued under this subchapter.

(2) Any records shall be open and made available for inspection or transcription by the Mayor or the Mayor's authorized representative at any reasonable time. Every employer shall furnish the Mayor or to the Mayor's authorized representative on demand a sworn statement of records and information upon forms prescribed or approved by the Mayor.

(b) Every employer shall furnish to each employee at the time of payment of wages an itemized statement showing the date of the wage payment, gross wages paid, deductions from and additions to wages, net wages paid, hours worked during the pay period, and any other information as the Mayor may prescribe by regulation.

(Mar. 25, 1993, D.C. Law 9-248, § 9, 40 DCR 761.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 36-220.7.

Legislative History of Laws

For legislative history of D.C. Law 9-248, see Historical and Statutory Notes following § 32-1001.

§ 32-1009. POSTING OF ACT AND REGULATIONS ON PREMISES; DISTRIBUTION OF COPIES TO EMPLOYERS.

(a) Every employer who is subject to any provision of this subchapter or any regulation issued under this subchapter shall keep a copy or summary of this subchapter and any applicable regulation issued under this subchapter, in a form prescribed or approved by the Mayor, posted in a conspicuous and accessible place in or about the premises at which any employee covered by the regulation is employed.

(b) Employers shall be furnished copies or summaries of this subchapter by the Mayor on request without charge.

(Mar. 25, 1993, D.C. Law 9-248, § 10, 40 DCR 761.)

HISTORICAL AND STATUTORY NOTES

§ 32-1010. VIOLATIONS.

It shall be unlawful for any employer to:

- (1) Violate any of the provisions of this subchapter or any of the provisions of any regulation issued under this subchapter;
- (2) Violate any of the provisions of §§ 32-1008 and 32-1009 or any regulation made under the provisions of § 32-1006, or to make any statement, report, or record filed or kept pursuant to the provisions of § 32-1008 or any regulation or order issued under § 32-1006 knowing the statement, report, or record to be false in a material respect;
- (3) Discharge or in any other manner discriminate against any employee because that employee has filed a complaint or instituted or caused to be instituted any proceeding under or related to this subchapter or has testified or is about to testify in any proceeding; or
- (4) Hinder or delay the Mayor or the Mayor's authorized representative in the enforcement of this subchapter, to refuse to admit the Mayor or the Mayor's authorized representative to any place of employment upon demand, to refuse to make available any record to the Mayor or Mayor's authorized agent required to be made, kept, or preserved under this subchapter, or to fail to post a summary or copy of this subchapter or of any applicable regulation or order, as required under § 32-1009.

(Mar. 25, 1993, D.C. Law 9-248, § 11, 40 DCR 761.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 36-220.9.

Temporary Addition of Section

Section 2 of D.C. Law 18-150 added a section to read as follows:

"Sec. 2. (a) The Mayor shall implement a Rhode Island Place Working Group ('working group') within 30 days to collaborate with businesses located in the Rhode Island Place Shopping Center bordered by Rhode Island Avenue, N.E., and Brentwood Road, N.E., in Ward 5 to address the challenge of day laborers congregating at the site.

"(b) The working group shall make recommendations for a civil resolution to the day-laborer concern at the Rhode Island Place Shopping Center site.

"(c) The working group shall meet at least every 2 weeks. The members of the working group shall include:

"(1) The Ward 5 Councilmember, or his designee;

"(2) The Chairperson of Advisory Neighborhood Commission 5B;

"(3) The Attorney General, or a designated staff attorney;

"(4) The Director of the Office of Latino Affairs, or her designee;

"(5) Representatives from businesses located in the Rhode Island Place Shopping Center;

"(6) Representatives from other District agencies as determined by the Mayor; and

"(7) Other workers' rights stakeholders as determined by the Ward 5 Councilmember.

"(d) The Mayor shall submit a report regarding the District's proposed course of action to resolve the challenge of day laborers in the Rhode Island Place Shopping Center, based on the working group recommendations, by July 1, 2010."

Section 4(b) of D.C. Law 18-150 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2, of Rhode Island Place Shopping Center Working Group Emergency Act of 2009 (D.C. Act 18-315, February 23, 2010, 57 DCR 1652).

Legislative History of Laws

For legislative history of D.C. Law 9-248, see Historical and Statutory Notes following § 32-1001.

§ 32-1011. PENALTIES; PROSECUTION.

(a) Any person who willfully violates any of the provisions of § 32-1010 shall, upon conviction, be subject to a fine of not more than \$10,000, or to imprisonment of not more than 6 months, or both.

(b) No person shall be imprisoned under this section except for an offense committed after the conviction of that person for a prior offense under this section.

(c) Prosecutions for violations of this subchapter shall be in the Superior Court of the District of Columbia and shall be conducted by the Corporation Counsel of the District of Columbia.

(d) In addition to and apart from the penalties or remedies provided for in this section or § 32-1012, the Mayor shall assess and collect administrative penalties up to a maximum of \$300 for the first violation and up to a maximum of \$500 for each subsequent violation. The Mayor shall consider factors that include the history of previous violations by the employer, the administrative costs of the proceeding to collect, and the size of the employer's business, when determining the penalty to be imposed. In addition, the Mayor may assess more than one administrative penalty against an employer for the same adversely affected employee if the employer has violated more than one statutory provision of this subchapter.

(e) No administrative penalty shall be collected unless the Mayor provides any person alleged to have violated a provision of § 32-1010 notification of the violation, notification of the amount of the administrative penalty to be imposed, and an opportunity to request an informal hearing. If an informal hearing is requested, the Mayor shall issue a final order following the hearing containing a finding that a violation has or has not occurred. If an informal hearing is not requested, the person to whom notification of violation was provided shall transmit to the Mayor the amount of the penalty within 15 days following notification.

(Mar. 25, 1993, D.C. Law 9-248, § 12, 40 DCR 761; Apr. 3, 2001, D.C. Law 13-245, § 2, 48 DCR 647.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 36-220.10.

Effect of Amendments

D.C. Law 13-245 added subsecs. (d) and (e).

Legislative History of Laws

For legislative history of D.C. Law 9-248, see Historical and Statutory Notes following § 32-1001.

Law 13-245, the "Wage-Hour Enforcement Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-681, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on November 8, 2000, and December 5, 2000, respectively. Signed by the Mayor on December 21, 2000, it was assigned Act No. 13-530 and transmitted to both Houses of Congress for its review. D.C. Law 13-245 became effective on April 3, 2001.

Miscellaneous Notes

Section 4 of D.C. Law 13-245 provides:

"The Mayor, pursuant to title 1 of the District of Columbia Administrative Procedure Act shall issue regulations to implement the provisions of this act."

§ 32-1012. CIVIL LIABILITY.

(a) Any employer who pays any employee less than the wage to which that employee is entitled under this subchapter shall be liable to that employee in the amount of the unpaid wages, and an additional amount as liquidated damages, except that if, in any action commenced to recover unpaid wages or liquidated damages, the employer shows to the satisfaction of the court that the act or omission that gave rise to the action was in good faith and that the employer had reasonable grounds for the belief that the act or omission was not a violation of this subchapter, the court may award no liquidated damages, or award any amount not to exceed the amount specified in this section.

(b) Action to recover damages sued for under this subchapter may be maintained in any court of competent jurisdiction in the District of Columbia by any 1 or more employees for and on behalf of the employee and other employees who are similarly situated. No employee shall be a party plaintiff to any action brought under this subchapter unless the employee gives written consent to become a party and the written consent is filed in the court in which the action is brought.

(c) The court in which the action is brought shall allow for reasonable attorney's fees and costs of the action to be paid by the defendant to the prevailing party.

(d) Any agreement between an employer and employee in which the employee agrees to work for less

than the wages to which the employee is entitled under this subchapter or any regulation issued under this subchapter shall be no defense to any action to recover unpaid wages or liquidated damages.

(e) At the written request of any employee who is paid less than the employee is entitled under this subchapter or any regulation issued under this subchapter, the Mayor may take an assignment of the wage claim in trust for the assigning employee and may bring any legal action necessary to collect the claim. In an action of this type, the defendant shall be required to pay the costs and reasonable attorney's fees as may be allowed by the court.

(f) The Mayor is authorized to supervise the payment of unpaid wages owed to any employee under this subchapter or any regulation issued under this subchapter, and the agreement of any employee to accept this payment, shall upon full payment, constitute a waiver by the employee of any right the employee may have under subsection (a) of this section to any unpaid wages, and an additional equal amount as liquidated damages.

(Mar. 25, 1993, D.C. Law 9-248, § 13, 40 DCR 761.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 36-220.11.

Legislative History of Laws

For legislative history of D.C. Law 9-248, see Historical and Statutory Notes following § 32-1001.

§ 32-1013. LIMITATIONS.

Any action commenced on or after March 25, 1993, to enforce any cause of action for unpaid wages or liquidated damages under this subchapter or any regulation issued under this subchapter must be commenced within 3 years after the cause of action accrued or the cause of action shall be forever barred.

(Mar. 25, 1993, D.C. Law 9-248, § 14, 40 DCR 761.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 36-220.12.

Legislative History of Laws

For legislative history of D.C. Law 9-248, see Historical and Statutory Notes following § 32-1001.

§ 32-1014. COLLECTIVE BARGAINING.

Nothing in this subchapter shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish wages or other conditions of work in excess of the standards applicable under the provisions of this subchapter.

(Mar. 25, 1993, D.C. Law 9-248, § 15, 40 DCR 761.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 36-220.13.

Legislative History of Laws

For legislative history of D.C. Law 9-248, see Historical and Statutory Notes following § 32-1001.

§ 32-1015. APPLICATION TO REVISED WAGE ORDERS.

Section 32-1004(a) shall not apply to any revised wage order issued by the Wage-Hour Board that sets a minimum wage that is higher than the minimum wage set by this subchapter.

(Mar. 25, 1993, D.C. Law 9-248, § 16, 40 DCR 761.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

SUBCHAPTER II. REPEALED PROVISIONS.

§§ 32-1031 TO 32-1049. FINDINGS AND DECLARATION OF POLICY; DEFINITIONS; MINIMUM WAGE AND OVERTIME COMPENSATION; WORKWEEK; WAGE ORDERS; EXEMPTIONS OF CERTAIN EMPLOYEES FROM MINIMUM WAGE AND OVERTIME PROVISIONS; POWERS AND DUTIES OF MAYOR; INVESTIGATIONS; STATEMENTS FROM EMPLOYERS; RECONSIDERATION AND REVISION OF WAGE ORDERS; AD HOC COMMITTEES; COMMITTEE REPORTS OF FINDINGS AND RECOMMENDATIONS; FAILURE TO REPORT; ISSUANCE OF REVISED WAGE ORDERS; NOTICE AND HEARING; NOTICE AND EFFECTIVE DATE OF ORDERS; CONTENTS OF ORDERS; RESTRICTIONS; COUNCIL TO MAKE REGULATIONS; JUDICIAL REVIEW OF ORDERS; STAY PENDING DETERMINATION OF PROCEEDINGS; MAYOR AUTHORIZED TO TAKE TESTIMONY AND ISSUE SUBPOENAS; RECORDS OF EMPLOYERS; AVAILABILITY FOR INSPECTION; STATEMENTS TO EMPLOYEES; POSTING OF LAW AND WAGE ORDERS; MAYOR TO FURNISH COPIES; UNLAWFUL ACTS; PENALTIES FOR VIOLATION OF § 32-1043; JURISDICTION; PROSECUTIONS; LIABILITY OF EMPLOYER; LIQUIDATED DAMAGES; ATTORNEY FEES AND COSTS; ASSIGNMENT OF CLAIM; SUPERVISION OF PAYMENT; STATUTE OF LIMITATIONS; RIGHT OF COLLECTIVE BARGAINING; SEVERABILITY; SHORT TITLE.[REPEALED]

(Mar. 25, 1993, D.C. Law 9-248, § 18, 40 DCR 761.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., §§ 36-201 to 36-219.