

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 32.**  
**LABOR.**

**CHAPTER 13C.**  
**PROHIBITION ON DISCRIMINATION AGAINST THE**  
**UNEMPLOYED.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 13C. PROHIBITION ON DISCRIMINATION**  
**AGAINST THE UNEMPLOYED.**

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# **CHAPTER 13C. PROHIBITION ON DISCRIMINATION AGAINST THE UNEMPLOYED.**

## **§ 32-1361. DEFINITIONS.**

For the purposes of this chapter, the term:

- (1) "Employee" means any individual employed by an employer.
- (2) "Employer" means any person who employs or seeks to employ for compensation one or more individuals for a position in the District (but not including the person's parent, spouse, child, or domestic servant engaged in work in and about the employer's household). The term "employer" includes any person acting in the interest of the person, directly or indirectly.
- (3) "Employment agency" means any person regularly undertaking or attempting, with or without compensation, to procure employees for an employer or to procure for employees opportunities to work for an employer, and includes an agent of that person.
- (4) "Potential employee" means any individual who has applied to an employer for a vacant position to gain employment.
- (5) "Status as unemployed" means any individual who, at the time of applying for employment, or, who at the time an act alleged to violate this chapter occurs, does not have a job, is available for work, and is seeking employment.

(May 31, 2012, D.C. Law 19-132, § 2, 59 DCR 2391.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

Law 19-132, the "Unemployed Anti-Discrimination Act of 2012", was introduced in Council and assigned Bill No. 19-486, which was referred to the Committee on Aging and Community Affairs. The Bill was adopted on first and second readings on February 7, 2012, and March 6, 2012, respectively. Signed by the Mayor on March 19, 2012, it was assigned Act No. 19-329 and transmitted to both Houses of Congress for its review. D.C. Law 19-132 became effective on May 31, 2012.

## **§ 32-1362. DISCRIMINATION BASED ON STATUS AS UNEMPLOYED UNLAWFUL.**

No employer or employment agency shall:

- (1) Fail or refuse to consider for employment, or fail or refuse to hire, an individual as an employee because of the individual's status as unemployed; or
- (2) Publish, in print, on the Internet, or in any other medium, an advertisement or announcement for any vacancy in a job for employment that includes:
  - (A) Any provision stating or indicating that an individual's status as unemployed disqualifies the individual for the job; or
  - (B) Any provision stating or indicating that an employment agency will not consider or hire an individual for employment based on that individual's status as unemployed.

(May 31, 2012, D.C. Law 19-132, § 3, 59 DCR 2391.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

For history of Law 19-132, see notes under § 32-1361.

### **§ 32-1363. RETALIATION UNLAWFUL.**

No employer or employment agency shall:

- (1) Interfere with, restrain, or deny the exercise of, or the attempted exercise of, any right provided under this chapter; or
- (2) Fail or refuse to hire, or discharge, any employee or potential employee because the employee or potential employee:
  - (A) Opposed any practice made unlawful by this chapter;
  - (B) Has filed any charge, or has instituted or caused to be instituted any proceeding, relating to any right provided under this chapter;
  - (C) Has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this chapter; or
  - (D) Has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this chapter.

(May 31, 2012, D.C. Law 19-132, § 4, 59 DCR 2391.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For history of Law 19-132, see notes under § 32-1361.

### **§ 32-1364. EXEMPTIONS.**

(a) Nothing set forth in this chapter shall be construed as prohibiting an employer or employment agency from publishing, in print, on the Internet, or in any other medium, an advertisement for any job vacancy that contains any provision setting forth any other qualifications for a job, as permitted by law, including:

- (1) The holding of a current and valid professional or occupational license;
- (2) A certificate, registration, permit, or other credential; or
- (3) A minimum level of education, training, or professional, occupational, or field experience.

(b) Nothing in this chapter is intended to preclude an employer or employment agency from examining the reasons underlying an individual's status as unemployed in assessing an individual's ability to perform a job or in otherwise making employment decisions about that individual.

(c) Nothing in this chapter shall be construed as prohibiting an employer or employment agency from publishing, in print, on the Internet, or in any other medium, an advertisement for any job vacancy that contains any provision stating that only applicants who are currently employed by the employer will be considered for employment.

(May 31, 2012, D.C. Law 19-132, § 5, 59 DCR 2391.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For history of Law 19-132, see notes under § 32-1361.

### **§ 32-1365. OVERSIGHT.**

(a) The District of Columbia Office of Human Rights ("Office") shall receive, review, and investigate complaints regarding violations of this chapter and shall take appropriate enforcement action regarding the complaints.

(b) The Office shall respond to a complaint arising pursuant to this chapter no later than one month after the complaint is filed.

(c) The Office shall assess civil penalties in all cases where the Office determines that an employer or employment agency has committed a violation of this chapter.

(May 31, 2012, D.C. Law 19-132, § 6, 59 DCR 2391.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For history of Law 19-132, see notes under § 32-1361.

### **§ 32-1366. CIVIL PENALTIES.**

(a) An employer or employment agency that the Office finds to have violated this chapter shall be subject to a civil penalty for a first violation of \$1,000 per claimant, \$ 5,000 per claimant for a second violation, and \$10,000 per claimant for each subsequent violation, but not to exceed a total of \$20,000 per violation. The Office shall collect the penalty from the violator and distribute the funds collected among any employee or potential employee who filed a claim regarding a violation of this chapter.

(b) Nothing set forth in this chapter shall be construed as creating, establishing, or authorizing a private cause of action by an aggrieved person against an employer or employment agency who has violated, or is alleged to have violated, the provisions of this chapter.

(May 31, 2012, D.C. Law 19-132, § 7, 59 DCR 2391.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For history of Law 19-132, see notes under § 32-1361.

### **§ 32-1367. RULES.**

The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement the provisions of this chapter. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 30-day review period, the proposed rules shall be deemed approved.

(May 31, 2012, D.C. Law 19-132, § 8, 59 DCR 2391.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For history of Law 19-132, see notes under § 32-1361.

### **§ 32-1368. APPLICABILITY.**

This chapter shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

(May 31, 2012, D.C. Law 19-132, § 9, 59 DCR 2391.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For history of Law 19-132, see notes under § 32-1361.