



**Department of Employment Services**  
*Washington, DC's lead workforce development and labor agency*

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# Wage Theft Prevention

**PUBLIC EDUCATION CAMPAIGN**

**D.C. Office of Wage-Hour  
Labor Standards Bureau**



**District of Columbia  
Muriel Bowser, Mayor**

**Department of Employment Services  
Dr. Unique Morris-Hughes, Director**





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## AGENDA

### **I. Office of Wage-Hour (OWH) – Introduction**

### **II. What Does OWH Do?**

- I. Wage Recovery Options for Claimants

### **III. Laws Enforced by OWH**

- I. Wage Payment
- II. Minimum Wage
- III. Accrued Sick and Safe Leave (ASSLA)
- IV. Living Wage
- V. Wage Theft Prevention Amendment Act (WTPAA)**
  - Posters & Notices
- VI. Commuter Benefits Law**
  - Posters & Notices





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## OFFICE OF WAGE-HOUR (OWH)

### The Office of Wage-Hour (OWH)

Location: 4058 Minnesota Avenue NE, **Suite 3600**, Washington, DC 20019

Phone: 202.671.1880

Email: [owh.ask@dc.gov](mailto:owh.ask@dc.gov)

Michael Watts, Associate Director, along with the OWH staff work to ensure:

- **Employers** in the District of Columbia comply with DC Wage Laws, and
- **Employees** in the District of Columbia are fairly and properly compensated for work performed in the District





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## **WHAT DOES OWH DO?**

The Office of Wage-Hour serves employers and employees in the District of Columbia by:

- Performing intake interviews for claimants in office
- Investigating claims
- Conducting compliance audits
- Working to recover back wages
- Communicating with employees and employers





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## WAGE RECOVERY OPTIONS

- **Wage-Hour Administrative Investigation**
  - This is an administrative process where the claim is handled by the Office of Wage-Hour on behalf of the claimant.
- **Administrative Law Judge Hearing**
  - This is a formal hearing requested by either the claimant or the employer, where those individuals are representing themselves in front of the Administrative Law Judge.
- **Civil Action: Court Proceeding**
  - The Office of the Attorney General prosecutes these civil actions.





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## **LAWS ENFORCED BY OWH**

- I. DC Wage Payment and Collection Law
- II. Minimum Wage Amendment Act of 2013
- III. Accrued Sick and Safe Leave of 2008 (ASSLA)
- IV. Living Wage Act of 2006
- V. **Wage Theft Prevention Amendment Act of 2014 (WTPAA)**
- VI. **Commuter Benefits Law**





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## DC Wage Payment and Collection Law

This law requires that all employers pay their employees:

- **At least twice monthly**
- On designated paydays,
- Pay all earned and promised wages, and
- **Pay wages timely upon termination of employment.**





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## Minimum Wage Amendment Act of 2013

- This Act amends the Minimum Wage Act Revision Act of 1992 to increase the minimum wage in the District of Columbia to \$11.50 an hour in three (3) steps:
  - **Beginning July 1, 2016, the minimum wage increased from \$10.50 per hour to \$11.50 per hour for all workers, regardless of size of employer**
- Every employer subject to the provisions of the Act must post the Minimum Wage Poster in or about the premises at which any employee covered is employed.







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## Accrued Sick and Safe Leave Act of 2008 (ASSLA)

The Accrued Sick and Safe Leave Act of 2008 requires employers in the District of Columbia to provide paid leave to employees:

- For illnesses or medical appointments, and
- For absences associated with domestic violence or sexual abuse.





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## Living Wage Act of 2006

The **Living Wage Act of 2006** requires employers in the District of Columbia who are recipients of contracts or government assistance in the amount of **\$100,000 or more** to pay their affiliated employees no less than the living wage rate

- 2013 Rate = \$13.40
- 2014 Rate = \$13.60
- 2015 Rate = \$13.80
- **2016 Rate = \$13.85 (effective January 1, 2016)**





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## The Wage Theft Prevention Amendment Act of 2014

- The Wage Theft Prevention Amendment Act of 2014 (WTPAA) went into effect **February 26, 2015**.
- The purposes of the WTPAA:
  - To amend the following existing D.C. wage laws:
    - Wage Payment and Wage Collection Law
    - Minimum Wage Revision Act (Current rate: \$11.50 per hour)
    - Accrued Sick and Safe Leave Act (All employees must be able to access paid leave)
    - Living Wage Act (Upholds previous 2013 amendment. Current rate: \$13.85 per hour)
  - To require the employer to provide written notices to employees of their employment status
  - To clarify administrative procedures for enforcement of D.C. wage laws
  - To enhance applicable remedies, fines, and administrative penalties





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## **EMPLOYER REQUIREMENTS UNDER WTPAA**

- **Posting of the Notice of the WTPAA**
- **Notice of Employment Status**
- **Precise Record Keeping**
- **Joint Liability**





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## NOTICE

DISTRICT OF COLUMBIA

DEPARTMENT OF EMPLOYMENT SERVICES

Labor Standards Bureau

Office of Wage-Hour

### **The Wage Theft Prevention Amendment Act of 2014**

The Wage Theft Prevention Amendment Act of 2014 (WTPAA) has an effective date of February 26, 2015. The law includes provisions to enhance applicable remedies, fines, and administrative penalties when an employer fails to pay earned wages, to provide for suspension of business licenses of employers that are delinquent in paying wage judgments or agreements, to clarify administrative procedures and legal standards for adjudicating wage disputes, to require the employer to provide written notice to each employee of the terms of their employment, and to maintain appropriate employment records.

#### **Requirements**

##### **Written Employment Notice:**

As an employer of the District of Columbia, upon hire, you are required to provide a notice to employees of their employment. Also, within 90 days of the effective date of WTPAA, every employer shall furnish each employee with an updated written notice containing the information required. As proof of compliance, every employer shall retain copies of the written notice furnished to employees that are signed and dated by the employer and by the employee acknowledging receipt of the notice. *(There are additional requirements for temporary staffing firms.)*

#### **This notice must include:**

- 1) The name of the employer and any "doing business as" (DBA) names used by the employer
- 2) The physical address of the employer's main office or principal place of business, and a mailing address if different
- 3) The telephone number of the employer
- 4) The employee's rate of pay and the basis of that rate, including:
  - a. Rate by the hour, shift, day, or week (whichever is applicable)
  - b. Salary, Piece Rate, or commission (whichever is applicable)
  - c. Any allowances claimed as part of the minimum wage, including tip, meal, or lodging allowances
  - d. Overtime rate of pay or exemptions from overtime pay
  - e. Living wage or exemptions from the living wage
  - f. Any applicable prevailing wages
- 5) The employee's regular payday designated by the employer





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## NOTICE OF HIRE – EMPLOYMENT STATUS AND ACKNOWLEDGEMENT OF WAGE RATE(S)

<b>Notice of Hire (Check only one)</b>	
<input type="checkbox"/> At Hire <input type="checkbox"/> Current Employee <input type="checkbox"/> Annual-Current Date _____ <input type="checkbox"/> Change in pay rate(s) or payday	
Effective Date: ____/____/____	
<b>Section 1</b>	
<b>Employer</b>	<b>Employee</b>
Company Name: _____ DBA: _____ Permanent Address: _____ Street Line 2: _____ City: _____ State: _____ Zip Code: _____ Mailing Address: <input type="checkbox"/> Same as Physical Address _____ Street Line 2: _____ City: _____ State: _____ Zip Code: _____ Phone: (____) _____-_____	Employee Name: _____ Physical Address: _____ City: _____ State: _____ Zip Code: _____ Mailing Address: <input type="checkbox"/> Same as Physical Address _____ Street Line 2: _____ City: _____ State: _____ Zip Code: _____ Phone: (____) _____-_____
<b>Section 2</b>	
<b>Pay Frequency and Payday</b>	
Pay Frequency: _____ Designated Pay Day: _____ (Weekly, bi-weekly, semi-monthly, monthly, etc.) (Day of week when wages are payable/available)	
<b>Section 3</b>	
<b>Allowances Claimed As Part of Wages: <input type="checkbox"/> None, or:</b>	
<input type="checkbox"/> Tips        \$ _____ per hour <input type="checkbox"/> Meals       \$ _____ per meal <input type="checkbox"/> Lodging     \$ _____ per _____ <input type="checkbox"/> Other        \$ _____ per _____	
<b>Section 4</b>	
<b>Tipped Employees</b>	
<p>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 <b>\$2.77</b> 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. Also, all gratuities received by the employee must be retained by the employee. This employee (will or will not) participate in the following company tip pool:</p> <p><b>Tip Pool Policy:</b> (Explain if applicable)</p>	





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## **The notice must include the following:**

- Name of the employer and any “doing business as” (DBA) names used by the employer
- Physical address of the employer’s main office or principal place of business, and a mailing address if different
- Telephone number of the employer
- Employee’s rate of pay and the basis of that rate, including:
  - Rate by the hour, shift, day or week (whichever is applicable)
  - Salary, piece rate or commission (whichever is applicable)
  - Any allowances claimed as part of the minimum wage, including tip, meal, or lodging allowances
  - Overtime rate of pay or exemptions from overtime pay
  - Living wage or exemptions from the living wage
  - Any applicable prevailing wages
- Employee’s regular pay day designated by the employer





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## RETALIATION

- It is unlawful for any employer to:
  - Discharge
  - Threaten
  - Penalize
  - Or discriminate in any other manner
- Retaliation penalties/remedies:
  - Fines
  - Penalties
  - Damages to employee
- **It is illegal for *any* person to retaliate**





# DC Commuter Benefits Law

- Sustainable DC Act of 2014
- Reduce traffic and pollution by encouraging transit use
- Make commuting more affordable



**As of January 1, 2016, employers with 20 or more employees in DC must offer access to one or more transit benefit options:**

- 1) Employee-paid pretax benefit (most popular)
- 2) Employer-paid direct benefit
- 3) Employer-provided transit

## Option 1: Employee-paid, pre-tax benefit



### Public Transit & Vanpool

Allow employees to deduct up to \$255/month, pre-tax, from their paychecks for transit fares



### Bicycle

Reimburse or provide voucher up to \$20/month, tax-free

- Employees use their own pre-tax funds, saving up to 40%
- Employers save on payroll taxes
- Funds can be used on buses, Metro, commuter rail and vanpools
- **Be prepared to offer subsidized \$20/month bike benefit to employees who do NOT elect any other commuter benefit**

## Option 2: Employer-paid, direct benefit



### Public Transit & Vanpool

Subsidize up to \$255/month,  
tax-free



### Bicycle

Reimburse or provide voucher  
up to \$20/month, tax-free

- Provide a *transit* subsidy of your choosing, up to \$255/month
- Can mix-and-match Options 1 & 2
- Also choice of offering a \$20/month tax-free *bicycle* commuter subsidy

# Option 3: Employer-provided transportation

- Provide shuttle service to/from nearby transit OR provide vanpool service at no cost to employees
- Start by contacting shuttle and/or vanpool providers



## **Shuttle & Vanpool**

Provide service at no  
cost to employees



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## Question:

Can you provide more guidance on the term “precise time”... Do you really expect a worker in the field or office to keep precise time with respect to his breaks, let alone his arrival or departure time?





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## Answer:

The exact beginning and ending time should be recorded for all employees.

The [Wage-Hour Rules](#) provides detailed explanation of “precise time” in section 911.1(h) – a daily record of the hours of beginning and stopping work and the hours of beginning and ending the meal recess if the employee works a split shift should be recorded.







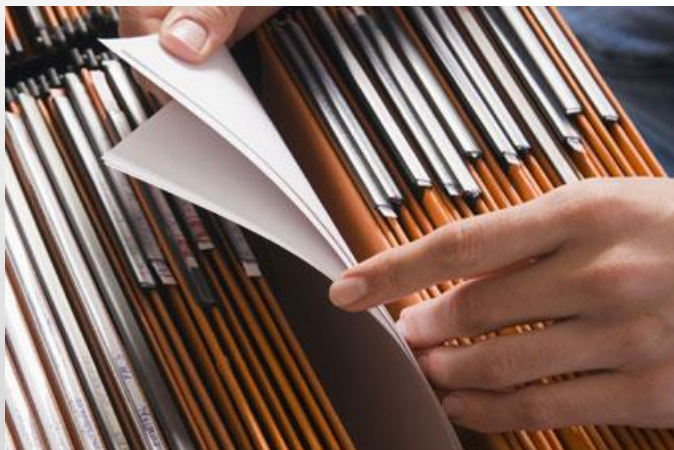
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## Question:

How precise is record keeping? Are we expected to keep time records for every employee?







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## Answer:

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 three (3) years** or whatever the prevailing federal standard is, whichever is greater, a record of:

- The name, address, and occupation of each employee
- A record of the date of birth of any employee under 19 years of age
- The rate of pay and the amount paid each pay period to each employee
- The hours worked each day and each workweek by each employee, provided that for each employee compensated on an hourly basis, or based on any other unit of time, the record shall include the precise time worked

Further explanation of the Recordkeeping Requirements shall follow the standards followed by the U.S. Department of Labor Fact Sheet: <http://www.dol.gov/whd/regs/compliance/whdfs21.pdf>





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## Question:

Regarding the written notice, in the Notice of Hire section, what effective date should be used for existing employees who are to receive the notice by May 27, 2015? Is it just the date the written notice is provided to the employee?

NOTICE OF HIRE – EMPLOYMENT STATUS AND ACKNOWLEDGEMENT OF WAGE RATE(S)	
<small>Notice of Hire (Check only one)</small>	
<input type="checkbox"/> At Hire <input type="checkbox"/> Current Employee <input type="checkbox"/> Annual-Current Date <input type="checkbox"/> Change in pay rate(s) or payfile	
Effective Date: ____/____/____	
<b>Section 1</b>	
<b>Employer</b>	<b>Employee</b>
Company Name: _____	Employee Name: _____
DIN: _____	Physical Address: _____
Permanent Address: _____	City: _____ State: _____
Street Line 2: _____	Zip Code: _____
City: _____ State: _____	Street Line 2: _____
Zip Code: _____	City: _____ State: _____ Zip Code: _____
Mailing Address: <input type="checkbox"/> Same as Physical Address	Mailing Address: <input type="checkbox"/> Same as Physical Address
Street Line 2: _____	Street Line 2: _____
City: _____ State: _____ Zip Code: _____	City: _____ State: _____ Zip Code: _____
Phone: (____) _____	Phone: (____) _____
<b>Section 2</b>	
<b>Pay Frequency and Payfile</b>	
Pay Frequency: _____	Designated Pay Day: _____
(Weekly, bi-weekly, semi-monthly, monthly, etc.)	(Day of week when wages are payable/available)
<b>Section 3</b>	
Allowances Claimed As Part of Wages: <input type="checkbox"/> None, or:	
<input type="checkbox"/> Tip \$ _____ per hour	
<input type="checkbox"/> Meals \$ _____ per meal	
<input type="checkbox"/> Lodging \$ _____ per _____	
<input type="checkbox"/> Other \$ _____ per _____	
<b>Section 4</b>	
<b>Tip Pool Employees</b>	
<small>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. Also, all gratuities received by the employee must be retained by the employee. This employee (self or will not) participate in the following company tip pool:</small>	
<b>Tip Pool Policy:</b> (If/when if applicable)	





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## Answer:

The effective date used is the date in which the information included on the notice became effective.

For most employees, the effective date is the hire date or the last date information changed (e.g., pay increase date, business move date, employee move date).





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## Question:

The image shows two forms. The left form is a notice from the District of Columbia Department of Employment Services, Office of Wage-Hour, regarding the Wage Theft Prevention Amendment Act of 2014. The right form is a 'NOTICE OF HIRE - EMPLOYMENT STATUS AND ACKNOWLEDGEMENT OF WAGE RATES' form with various fields for employer and employee information.

I am a bit confused about “posting” requirements. It did sound as if employers are required to **both post and provide the notice to new hires and existing employees**. I understand the requirement to provide the notice to new hires at the time of hire and to existing employees by the 90 day cut off date in May...

**HOWEVER, I am unsure if employers are ALSO required to “post the notice” as well.** By posting, I am referring to exhibiting the notice alongside the other District of Columbia required posters (i.e., Minimum Wage, Leave Act, Equal Employment, etc.) Would you please clarify this issue?



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## Answer:

The Notice of Hire should be provided to all employees, and you should retain a copy for your records.

The Notice of the WTPAA is what needs to be posted in a conspicuous place at your business. Yes, this Notice of the Act should be posted alongside the other District of Columbia required posters.





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## Question:

When will a Spanish version of the Notice of Hire be released?





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## Answer:

The Office of Wage-Hour is currently working on Spanish and other translations of all WTPAA Notices.

Once they are completed, they will be posted to our website. Please continue to check the website for the most up-to-date information and documents.

If you have an immediate need, please contact our office directly at (202) 671-1880.







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## Question:

Can the required notice be supplied electronically and can the receiving employee supply an electronic signature?







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## Answer:

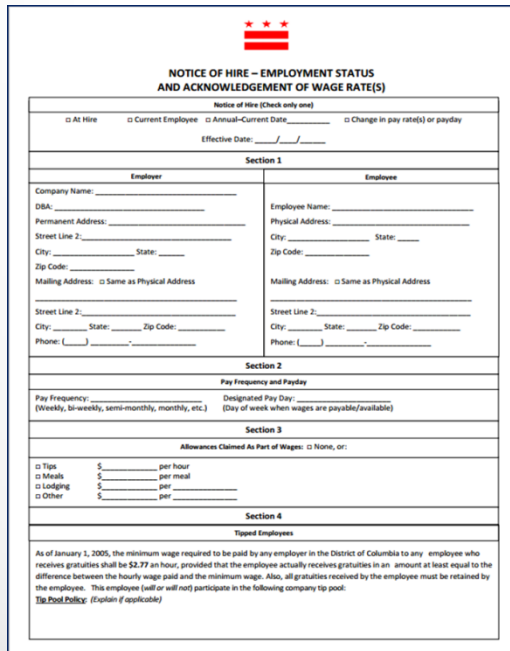
The WTPAA specifically allows for Temporary Staffing Firms to supply written notice to an employee via electronic mail, text messaging, facsimile, and regular mail.

The Office of Wage-Hour will accept these forms of messaging and electronic signatures from traditional employers as well.



## Question:

May employers create their own notice forms, as long as all of the required information is contained in it?



**NOTICE OF HIRE - EMPLOYMENT STATUS AND ACKNOWLEDGEMENT OF WAGE RATE(S)**

Notice of Hire (Check only one)

At Hire     Current Employee     Annual-Current Date \_\_\_\_\_     Change in pay rate(s) or payday

Effective Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**Section 1**

Employer	Employee
Company Name: _____	Employee Name: _____
DBA: _____	Physical Address: _____
Permanent Address: _____	City: _____ State: _____
Street Line 2: _____	Zip Code: _____
City: _____ State: _____	Zip Code: _____
Zip Code: _____	Mailing Address: <input type="checkbox"/> Same as Physical Address
Mailing Address: <input type="checkbox"/> Same as Physical Address	Mailing Address: _____
Street Line 2: _____	Street Line 2: _____
City: _____ State: _____ Zip Code: _____	City: _____ State: _____ Zip Code: _____
Phone: (____) _____	Phone: (____) _____

**Section 2**

**Pay Frequency and Payday**

Pay Frequency: \_\_\_\_\_ Designated Pay Day: \_\_\_\_\_  
(Weekly, bi-weekly, semi-monthly, monthly, etc.) (Day of week when wages are payable/available)

**Section 3**

Allowances Claimed As Part of Wages:  None, or:

Tips \$ \_\_\_\_\_ per hour

Meals \$ \_\_\_\_\_ per meal

Lodging \$ \_\_\_\_\_ per \_\_\_\_\_

Other \$ \_\_\_\_\_ per \_\_\_\_\_

**Section 4**

**Tipped Employees**

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 \$1.77 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. Also, all gratuities received by the employee must be retained by the employee. This employee (will or will not) participate in the following company tip pool: \_\_\_\_\_

**Tip Pool Policy:** (Explain if applicable)




**AIRLINE COMPANY**

Someone Somebody  
100 Long St  
Brisbane, Australia

Dear Someone Somebody,

Lorem ipsum dolor sit amet, consectetur adipiscing elit. Praesent mattis eros a tellus. Quisque leo tortor, commodo id, dapibus et, lacinia et, justo. Ut urna sapien, dictum eu, cursus vel, consectetur tristique, eros. Etiam in libero. Etiam tempor. Maecenas ligula felis, commodo eget, scelerisque id, suscipit nec, odio. Vivamus commodo magna in mollis feugiat, felis nisi dapibus dolor, eu blandit orci nulla in orci. Cras felis ipsum, mollis at, semper et, tristique id, ipsum. Ut consectetur elit nec elit. Cras luctus molestie ligula. In gravida tempor nunc.

Curabitur nisi ligula, pulvinar et, volutpat non, porta a, ipsum. Donec tristique ante et est. Pellentesque volutpat est non diam. Aenean vel velit. Suspendisse facilisis nisi et massa. Mauris nec eros. Pellentesque luctus arcu ut dui. Proin suscipit lorem id augue. Maecenas eget ipsum nec orci conwallis elemea. Suspendisse potenti. Donec sed enim. Ut et turpis. Ut mattis enim nec nisi. Ut quam. Pellentesque lobortis vehicula risus.

Etiam massa erat, tempor et, elementum fringilla, partentetque ac, odio. Cras sed felis. Aliquam erat volutpat. Etiam tristique. Donec pellentesque, nulla semper adipiscing faucibus, nibh augue semper sapien, eget feugiat dui massa et urna. Nullam ac arcu. Quisque interdum. Morbi tristique sagittis arcu. Phasellus euismod ante eget risus. Nam conwallis rutum augue. Pellentesque placerat ultrices tellus.

Ut lacinia. Sed aliquet diam et odio. Nunc ultrices pretium urna. Sed risus velit, nonummy eget, suscipit at, sagittis in, tortor. Quisque risus. Duis porta. Nunc blandit, augue et nonummy ultrices, lacus justo tristique nibh, eu vestibulum turpis metus leucis ipsum. Morbi neque. Quisque augue. Etiam eu hend. morcus metus. Aliquam auctor libero non nisi.

Pellentesque habitant morbi tristique senectus et netus et malesuada fames ac turpis egestas. Nullam justo lectus, lobortis id, pharetra eu, pulvinar ac, nibh. Sed hendrerit pretium urna. Vivamus ut ipsum eget justo adipiscing adipiscing. Donec lectus arcu, interdum eget, malesuada a, euismod sed, sapien. Proin imperdiet, nulla sit amet mattis adipiscing, enim nibh condimentum metus, sit amet lacinia tortor ante eget magna. Mauris eget enim ac ante luctus ultrices. Integer eu nunc eget tellus laculis vestibulum. Suspendisse potenti. Aenean aliquam mauris id turpis.

Your Sincerely,  
Daniel Brady

100 Long St, Brisbane, QLD, Australia  
Tel: 123 131 222 Fax: 123 131 223



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## Answer:

You may create your own version to clearly state what your company needs. You do not have to use the exact Notice of Hire template on our website.

The template that is provided is just a template. It may be used as a guideline of what the Notice of Hire must include. Employers who choose to create their own Notices of Hire must be sure to include the required information on all Notices of Hire to all of their employees.





## **Posters and Notices**

- Posters of all DC Wage Laws are available for pickup, mailing, or distribution from the **Office of Wage-Hour**
- Downloadable posters of all DC Wage Laws and all Notices are available online under the **Wage-Hour Compliance** section of the DOES website – [does.dc.gov](http://does.dc.gov)



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## District of Columbia Government Contracts

- It is important to note that **all** employers receiving DC Government contracts **must** pay at least the Minimum Wage and/or the Living Wage
  - Minimum Wage is currently set at **\$10.50**
    - This will increase to **\$11.50** as of July 1, 2016
  - Living Wage is currently set at **\$13.85** as of January 1, 2016



## Question:

Can you provide more guidance on how to determine if an employer has 20 or more employees? Must all full-time and part-time employees be included in the count?





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## **Answer:**

Yes, both Full-time and Part time employees should be counted to determine if an employer is covered.



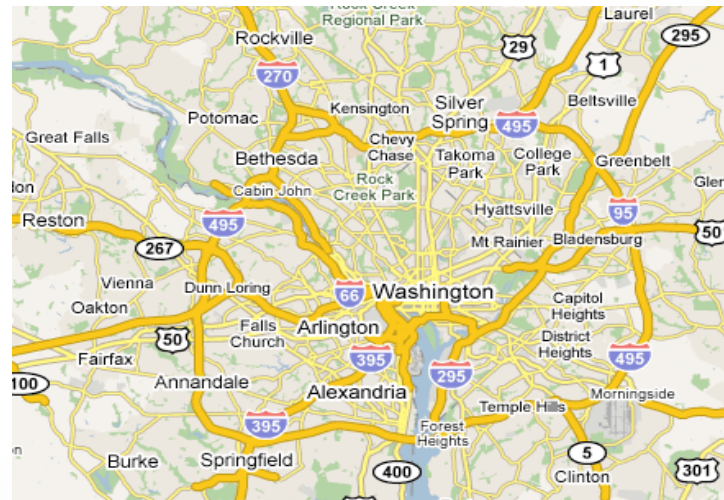


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## Question:

If an employer has employees in multiple states, are all the employees included in the count to determine 20 or more?  
If so, must all the employees receive the transit benefit?







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## Answer:

No, only covered employees should be included in the count or offered transit benefits. Covered employees are those that perform 50% of their work in DC or whose employment is based in DC and performs a substantial amount of their work in DC and less than 50% in any other state.



## Question:

We already comply with this ordinance. What do we need to prove our compliance? Who do we inform of our compliance?





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## **Answer:**

Employers shall maintain all records, files and documentation to establish compliance with the requirements of the Act for a minimum of 3 years and make the records available upon request by the Mayor or DOES.





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## **HOW TO FORWARD COMPLAINTS TO OWH**

In-person: 4058 Minnesota Avenue NE, **Suite 4300**

Over the phone: 202.671.1880

Email: [owh.ask@dc.gov](mailto:owh.ask@dc.gov)

- We are available from **8:30 a.m. to 4:30 p.m.** Monday through Thursday and **9:30 a.m. to 4:30 p.m.** on Fridays





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For questions or concerns, please contact the  
D.C. Office of Wage-Hour at **202-671-1880**.

or

Email: **[OWH.ASK@dc.gov](mailto:OWH.ASK@dc.gov)**

Office hours:

8:30 a.m. to 4:30 p.m. – Monday through Thursday

9:30 a.m. to 4:30 p.m. – Friday

