



Department of Employment Services

Washington, DC's lead workforce development and labor agency

SUSTAINABLE DC OMNIBUS AMENDMENT ACT OF 2014

PUBLIC EDUCATION CAMPAIGN

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



**District of Columbia
Muriel Bowser, Mayor**

**Department of Employment Services
Deborah A. Carroll, Director**





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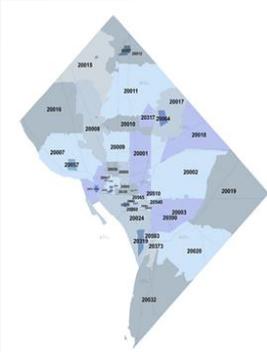
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AGENDA

- I. Purpose of the Act
- II. Employer Requirements
- III. Employee's Rights
- IV. FAQ's



DC COMMUTER BENEFITS



- The purpose of the Act is to require employers with more than 20 employees located in Washington, D.C. to offer commuter transit benefits to their employees.

❖ **Must offer 1 of 3 Options:**

Option 1: Pre-tax option: Pre-tax election transportation fringe benefits program that provides a) commuter highway vehicle, b) transit, or c) bicycling benefits

Option 2: Employer-paid benefit: An employer-paid benefit program whereby the employer offers employees a subsidy to offset the monthly cost of commuting

Option 3: Employer provided transit (vanpool or bus operated by or for the employer)



What are Commuter Benefits?

Required by Ordinance



Public Transit & Vanpool

Pre-tax or subsidized,
up to \$130/month

Optional



Bicycle

Reimburse or provide voucher up to
\$20/month

- IRS-approved transportation fringe benefits
- Allow as a pre-tax deduction, provide a tax-free subsidy, or mix and match
- Tax savings and satisfied employees



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WHO DOES THIS LAW AFFECT?

- All **employers** with 20 or more employees
- All full-time and part-time **employees...**
 - Performing 50% of their work in the District of Columbia
 - 90 days of employment





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FOR EMPLOYERS

As an employer, what am I supposed to do?

- Notify employees of the available transit benefit program
- Provide information to covered employees on how to apply and receive benefits
- Issue benefits to covered employees that request or apply for them
- Maintain records to establish compliance with the requirements
 - Record that notice was given to employees
 - Records showing that elected benefits were provided





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FOR EMPLOYEES

As an employee, what do I need to know?

- Your employer must notify you of your options for commuter benefits
- Your employer must notify you of a contact person for transit benefit information
- You must elect to use the transit benefit option that the employer offers
- You should notify the Office of Wage-Hour if you have a complaint....
 - Not receiving notice of Transit Benefit Options
 - Not receiving the Transit Benefit that you have elected





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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. In fact, the DC Wage and Hour Rules and the Minimum Wage Act do not differentiate between full or part time employees either.



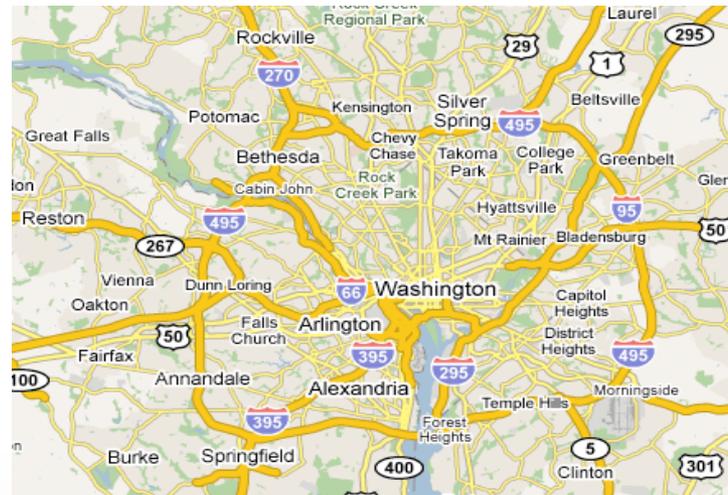


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Question:

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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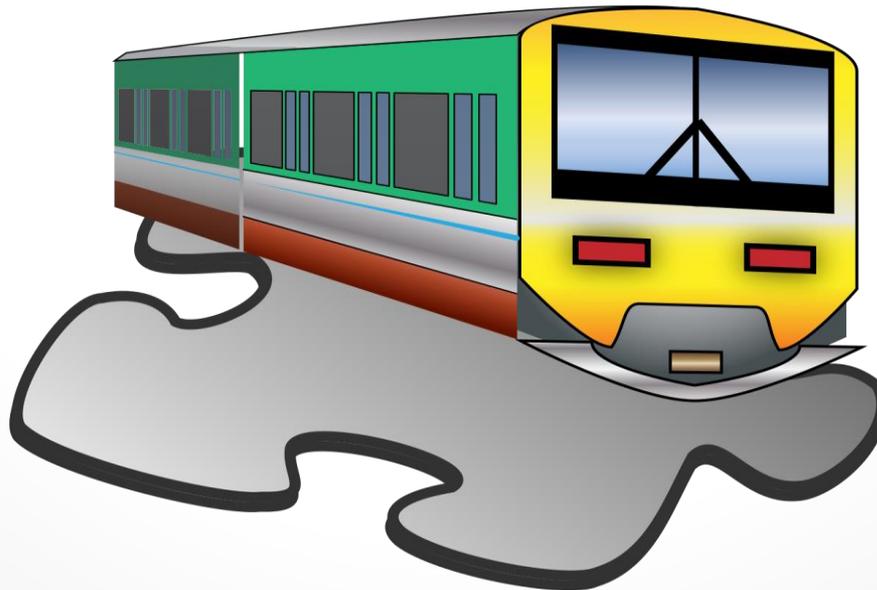
Answer:

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:

Can transit benefits be redeemed for wages or paid leave?





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Answer:

No. Transit benefits cannot be redeemed for wages or paid leave.





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Question:

How will DOES enforce the law on January 1, 2016.





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Answer:

DOES recognizes that this is a new law and many companies and employees do not fully understand its implications. Therefore, DOES will provide a 90 day period of outreach and education prior to beginning enforcement on April 1, 2016.





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Question:

Will DOES provide a Notice that employers can offer to their employees in order to be in compliance with the notice provision of the Act?





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Answer:

Yes, a notice will be provided by DOES that can be used as a template for providing notices to covered employees.





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Question:

Can we limit enrollment in our transit benefits to our regular open enrollment period?





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Answer:

Employers should notify employees of the benefit and provide information to covered employees about how to apply for and receive the benefit. Benefits begin after 90 days of employment.



Question:

We will not set up transit benefits! What happens?





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Answer:

DOES recognizes that this is a new law and many companies and employees do not fully understand its implications. Therefore, DOES will provide a 90 day period of outreach and education prior to beginning enforcement on April 1, 2016.

Enforcement and adjudication of a failure to provide a transit benefit program shall be pursuant to the Civil Infractions Act, DC Official Code § 2-1801.01 *et seq.*



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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ADDITIONAL INFORMATION

For the complete text of the Sustainable DC Omnibus Amendment Act
please visit: www.does.dc.gov

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





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ADDITIONAL INFORMATION

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