



# DOES

Department of  
EMPLOYMENT SERVICES



DEPARTMENT OF EMPLOYMENT SERVICES

# ABOUT THE MODERATOR

- Your moderator for today is a supervisor with the D.C. Department of Employment Service, Office of Wage-Hour
- The **Office of Wage-Hour** conducts compliance audits and works to recover unpaid wages for employees who have not been paid pursuant to DC wage laws, either administratively or through court action.
- **Wage-Hour compliance** involves ensuring adherence to the wage laws of the District of Columbia by holding employers accountable to the laws.

# 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:**

- Employee-paid, pre-tax benefit (most popular)
- Employer-paid, direct benefit
- Employer-provided transit

# What are Commuter Benefits?



## Public Transit & Vanpool

Pre-tax or subsidized,  
up to \$260/month



## Shuttle/ Vanpool

Provide service at no cost to  
employees

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

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



## Public Transit & Vanpool

Allow employees to deduct up to \$260/month, pre-tax, from their paychecks for transit fares

- 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

# Option 2: Employer-paid, direct benefit



## Public Transit & Vanpool

Subsidize up to \$260/month, tax-free

- Offer a more competitive benefits package
- Provide a transit subsidy of your choosing, up to \$260/month
- Can mix-and-match Options 1 & 2 for transit fares

# Option 3: Employer-provided transportation



## Shuttle/ Vanpool

Provide service at no cost  
to employees

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

# Parking (NOT compliant)



## Parking

Pre-tax or subsidized,  
up to \$260/month

- Providing free/subsidized/pre-tax parking alone does NOT make your organization compliant with the Act
- To comply with the Act, employers must provide transit benefits as outlined in Options 1-3

# Who Does the Law Affect?

- All employers with 20 or more employees
- All full-time and part-time employees performing 50% or more of their work in the District of Columbia

# 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

# 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 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

# What is goDCgo?

- Leading Transportation Resource
- District Department of Transportation (DDOT) initiative
- Complimentary transportation resources and consulting services
- Promotes DC's transportation options
- Tailors program to the specific needs of your business



# goDCgo Complimentary Services

- One-on-one consultation
- Employee commute surveys
- Discounted Capital Bikeshare corporate memberships
- On-site Lunch-and-Learns
- Transportation brochures
- Relocation assistance
- Telework and Alternative Work Schedules training and support



# goDCgo Customized Materials

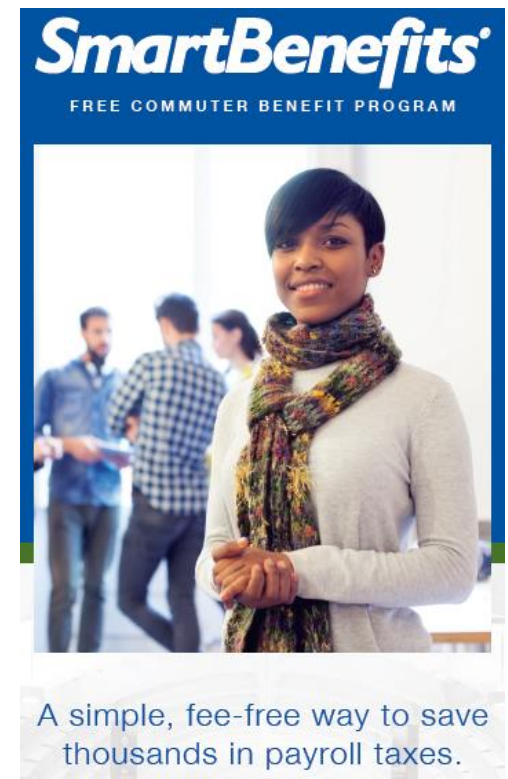


- Employee commute survey
- Templates for announcing the benefits program and enrollment forms
- Transportation options poster- Get Around Guide

# Setting Up Your Program

As an employer, how do I get started?

- SmartBenefits®
  - Metro's free, online commuter benefit program
  - Satisfies DC Commuter Benefit & IRS Requirements
  - A simple, fee-free way to save thousands in taxes
  - Learn from Metro's experts at the SmartBenefits table, at Metro's Jan 30<sup>th</sup> seminar, or online
  - Enroll at [wmata.com/smartbenefits](http://wmata.com/smartbenefits)





# Employer Question

Must all full-time and part-time employees be included in the count?

# Employer Answer

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

# Employer Question

If an employer has employees in multiple states, are those employees included in the count to determine transit benefit eligibility?

# Employer Answer

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

# Employer Question

Can transit benefits be redeemed for wages or paid leave?

# Employer Answer

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

# Employer Question

I am an employee that already receives a “bikeshare” benefit from my employer. Am I also eligible for one of the other three options?

# Employer Answer

Yes. If you are an employee receiving “bikeshare” benefits, you are eligible for additional benefits under one of the three options.

# Employer Question

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

# Employer Answer

No, enrollment for commuter benefits needs to be open and available to covered employees throughout the year.

Employers should notify employees of the benefit and provide information to covered employees about how to apply for and receive the benefit.

# Employer Question

Can we provide more than one of the options?

# Employer Answer

Yes, you are able to “mix and match” the benefits. For example, an employer-paid subsidy may not cover the entire cost of an employee’s transit, so you allow the employee to use their own pre-tax money to cover the rest.

# Employer Question

What will happen if we do not offer transit benefits?

# Employer Answer

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.

# Employer Question

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

# Employer Answer

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

# ADDITIONAL INFORMATION

For the complete text of the Sustainable DC Omnibus  
Amendment Act

Please visit: [www.does.dc.gov](http://www.does.dc.gov)

For questions or concerns, please contact the DC Office of  
Wage-Hour 202-671-1880 Email: [owh.ask@dc.gov](mailto:owh.ask@dc.gov)

Office hours:

8:30am to 4:30pm – Monday through Thursday

9:30am to 4:30pm – Friday