

DISTRICT OF COLUMBIA MINIMUM WAGE POSTER
(THIS SUMMARY MUST REMAIN IN A CONSPICUOUS PLACE WHERE EMPLOYEES MAY READ)

\$7.55 PER HOUR BEGINNING JULY 24, 2008 • \$8.25 PER HOUR BEGINNING JULY 24, 2009

MINIMUM WAGE EXCEPTIONS

The minimum wage provision does not apply in instances where other laws or regulations establish minimum wage rates for the following:

1. Handicapped workers may be paid less only when the employer has received an authorizing certificate from U.S. Department of Labor.
2. Persons employed under provisions of the Workforce Investment Act shall be paid pursuant to that Act.
3. Persons employed under provisions of the Youth Employment Act shall be paid pursuant to that Act.
4. Persons employed under provisions of the Older Americans Act shall be paid pursuant to that Act.
5. Adult Learners: Newly hired persons 18 years of age or older may be paid the minimum wage established by the United States government for a period not to exceed 90 calendar days.
6. Students employed by institutions of higher education may be paid the minimum wage established by the United States government.
7. Individuals under 18 years of age may be paid the minimum wage established by the United States government.
8. The minimum wage provision does not apply to persons:
 - (a) employed in a bona fide executive, administrative, professional, computer or outside sales capacity; or
 - (b) engaged in the delivery of newspapers to the home of the consumer.

OVERTIME EXCEPTIONS

The overtime provision shall not apply to persons employed:

1. In a bona fide executive, administrative, professional, computer or outside sales capacity;
2. As a private household worker who lives on the premises of the employer;
3. As a companion for the aged or infirm in the private home of by whom employed;
4. In a retail or service establishment and whose regular rate of pay is in excess of one and one-half times the minimum hourly rate applicable under the Act, and more than one-half of the employee's compensation for a representative period (not less than one month) represents commissions on goods and services;
5. As a seaman, by a railroad, as an attendant in a parking lot or parking garage or in newspaper home delivery;
6. By an air carrier who voluntarily exchanges workdays with another employee for the primary purpose of utilizing air travel benefits available to these employees;
7. As a salesperson, partsperson or mechanic primarily engaged in selling or servicing automobiles, trailers or trucks, if employed by a non-manufacturing establishment primarily engaged in the business of selling these vehicles to ultimate purchasers;
8. 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 four consecutive workweeks, the employee receives compensation at a rate of one and one-half times or more the regular rate at which employed.

PERSONS NOT ENTITLED TO OVERTIME PAY UNDER DISTRICT LAW MAY BE ENTITLED UNDER FEDERAL LAW. For information, call the U.S. Department of Labor, Wage-Hour Division.

TIPPED EMPLOYEES: Employers may pay a service rate of \$2.77 per hour to "tipped employees." If an employee's hourly tip earnings (averaged weekly) added to the service rate do not equal the minimum wage, the employer must pay the balance.

UNIFORMS: Employers must pay the cost of purchase, maintenance and cleaning of uniforms and protective clothing required by employer or by law or pay the employee 15 cents per hour in addition to the minimum wage (maximum required is \$6.00 per week) for washable uniforms. When the employer purchases and the employee maintains washable uniforms, the additional payment required is 10 cents per hour. When the employer cleans and maintains but the employee purchases, the additional payment required is 8 cents per hour.

MEALS: Employers may deduct \$2.12 for each meal made available. For four hours or less of work, a maximum of one meal deduction is allowed. For over four hours of work, a maximum of two meal deductions is allowed. For live-in workers, a maximum of \$6.36 per day is allowed.

OTHER PROVISIONS: Additional wages are due to employees for split shifts, travel expenses and tools. Other deductions may be taken for lodging provided by the employer.

DEDUCTIONS: No employer shall make any deductions, except those specifically authorized by law or court order, which would bring the wages below those required by the Act. An itemized wage statement showing all deductions must be provided with each pay check.

RECORDS: Every employer shall make and keep for at least three (3) years accurate time and payroll records for each employee, in addition to other detailed records required by the Act.

OTHER LAWS ADMINISTERED BY THE OFFICE OF WAGE-HOUR

THE LIVING WAGE ACT OF 2006:

Recipients of contracts or government assistance shall pay affiliated employees no less than the current "living wage" per hour. The Department of Employment Services may adjust the living wage annually. Contact the Office of Wage-Hour - (202) 671-1880- for the current living wage rate and for exceptions to and exemptions from the "Living Wage Act of 2006."

The requirement to pay a living wage applies to all recipients of contracts or government assistance in the amount of \$100,000 or more; and to all subcontractors of these recipients receiving \$15,000 or more from the funds received by the recipient from the District of Columbia.

All recipients and subcontractors shall retain payroll records created and maintained in the regular course of business under District of Columbia law for a period of at least 3 years.

ENHANCED PROFESSIONAL SECURITY AMENDMENT ACT OF 2008: 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 guard 1 classification established by 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. The term "office building" does not include libraries, museums, or universities.

WAGE PAYMENT AND WAGE COLLECTION LAW: Every employer shall pay all wages earned to employees at least twice during each calendar month, on regular paydays designated in advance by the employer. Not more than ten (10) working days may elapse between the end of the pay period covered and the regular payday. Whenever an employer discharges an employee, the employer shall pay the employee's wages not later than the working day following the discharge. In the instance of an employee who resigns, the employer shall pay the employee's wages the next regular payday or within seven days from the date of resigning, whichever is earlier.

WAGE GARNISHMENT ACT: No employer shall garnish the wages of an employee except pursuant to a court order.

ACCRUED SICK AND SAFE LEAVE ACT OF 2008: Requires employers in the District of Columbia to provide paid leave to employees for illness and for absences associated with domestic violence or sexual abuse.

- An employer with 100 or more employees shall provide for each employee not less than one hour of paid leave for every 37 hours worked, not to exceed 7 days per calendar year;
- An employer with at least 25, but not more than 99, employees shall provide for each employee not less than one hour of paid leave for every 43 hours worked, not to exceed 5 days per calendar year; and,
- An employer with 24 or fewer employees shall provide not less than one hour of paid leave for every 87 hours worked, not to exceed 3 days per calendar year.

The term "employee" shall not include an independent contractor, a student, health care workers who choose to participate in a premium pay program or restaurant wait staff and bartenders who work for a combination of wages and tips.



FOR A COMPLETE TEXT OF EACH LAW OR TO FILE A COMPLAINT CONTACT:

Department of Employment Services
Office of Wage-Hour (202) 671-1880
64 New York Avenue, N.E., Room 3105
Washington, D.C. 20002
www.does.dc.gov