

GOVERNMENT OF THE DISTRICT OF COLUMBIA



MINIMUM WAGE POSTER

(THIS SUMMARY MUST REMAIN IN A CONSPICUOUS PLACE WHERE EMPLOYEES MAY READ)

THE “MINIMUM WAGE AMENDMENT ACT OF 2004” REQUIRES THAT PERSONS EMPLOYED IN PRIVATE INDUSTRY IN THE DISTRICT OF COLUMBIA RECEIVE AT LEAST:

A MINIMUM WAGE OF: \$7.00 PER HOUR effective January 1, 2006

OVERTIME PAY After 40 hours of work in a workweek at a rate not less than one and one-half times the employee’s regular rate of pay.

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 the U.S. Department of Labor.
2. Persons employed under provisions of the Workforce Investment Act (WIA) shall be paid pursuant to that Act.
3. Persons employed under provisions of the Youth Employment Act (YEA) shall be paid pursuant to that Act.
4. Persons employed under provisions of the Older Americans Act (OAA) 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 or outside salesperson 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 or outside salesperson position;
2. as a private household worker who lives on the premises of the employer, or as a companion for the aged or infirm in the home of by whom employed.
3. 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 commission on goods or services;
4. as a seaman, by a railroad, as an attendant in a parking lot or parking garage or in newspaper home delivery;
5. by an air carrier who voluntarily exchanges workdays with another employee for the primary purpose of utilizing air travel benefits available to these employees;
6. 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;
7. 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. Dept. of Labor, Wage and 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 is 10 cents per hour. When the employer cleans and maintains but the employee purchases, the additional payment is 8 cents per hour.

MEALS: Employers may deduct up to **\$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 daily deduction 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.

DEDUCTIONS: No employer shall make any deduction, 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

WAGE PAYMENT AND WAGE COLLECTION LAW: Every employer shall pay all wages earned to his employees at least twice during each calendar month, on regular paydays designated in advance by the employer. However, no 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. However, 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.

SEATS LAW: Employers are required to provide seats for the employees’ use when they are not actively employed in their work.

ENFORCEMENT AND PENALTIES

The District of Columbia Government may recover back wages, either administratively or through court action, for the employees who have not been paid pursuant to these laws. Violations may result in civil or criminal action. Any employer who violates these laws shall be subject to civil penalties of up to \$300 for the first offense and up to \$500 for subsequent violations; and additionally, any employer who willfully violates these laws shall, upon conviction, be subject to fines up to \$10,000 or imprisonment.

EMPLOYEES MAY NOT BE DISCHARGED FOR FILING A COMPLAINT OR PARTICIPATING IN ANY PROCEEDING.

This is a summary of the D.C. wage laws. For the complete text and the “Wage-Hour Rules,” or to file a complaint contact: Department of Employment Services, Office of Wage-Hour, (202) 671-1880.

www.does.dc.gov