

1 
2 Chairman Phil Mendelson


Councilmember Vincent Orange

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11 A PROPOSED RESOLUTION

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15 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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20 To declare the existence of an emergency with respect to the need to amend the Wage Theft
21 Prevention Act of 2014 to exempt an employer from keeping precise time records for
22 bona fide executive, administrative, and professional employees; to limit the languages
23 necessary for an employer's compliance with payment notice requirements to those
24 languages required in notices by the Mayor pursuant to the Language Access Act; and to
25 amend section 2 of An Act To provide for the payment and collection of wages to
26 continue to exempt an employer from paying wages to bona fide executive,
27 administrative, and professional employees at least twice during each calendar month,
28 provided that the employer pays wages to such employees at least once per month.
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30 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act
31 may be cited as the "Wage Theft Prevention Clarification Emergency Declaration Resolution of
32 2015".

33 Sec. 2. (a) On July 14, 2014, the "Wage Theft Prevention Amendment Act of 2014" was
34 passed unanimously by the Council. The goal of the bill is the prevention of employers' failure
35 to pay earned wages through enforcement by the District and the creation of a private right of
36 action for injured employees. The bill was enacted on September 19, 2014 and is currently
37 under congressional review with a projected law date of February 26, 2015.

38 (b) Subsequently, on December 2, 2014, the Council passed clarifying and
39 technical corrections to the Act through an emergency measure, the "Wage Theft Prevention
40 Correction and Clarification Emergency Act of 2014."

41 (c) Since passage of both bills, several unintended consequences impacting
42 salaried workers have been identified, including the requirement that all employees, including
43 white-collar, salaried employees, be paid at least twice per month, that all employers keep
44 records of the "precise time worked" each day and each workweek by all employees, and that
45 notice required by the act be provided in an employee's "primary" language.

46 (d) It was not the Council's intent to require that white-collar, salaried employees
47 be paid at least twice a month or to require an employer to keep records of the precise time
48 worked by all employees, including those not compensated on an hourly or other unit-of-time
49 basis. Further, requiring notice to be furnished in an employee's "primary" language will be
50 unnecessarily burdensome and costly.

51 (e) Because the permanent Act, the "Wage Theft Prevention Amendment Act of
52 2014" is projected to become District law on February 26, 2015, approval of emergency
53 legislation is necessary to avoid these unintended effects.

54 Sec. 3. The Council of the District of Columbia determines that the circumstances
55 enumerated in section 2 constitute emergency circumstances making it necessary that the "Wage
56 Theft Prevention Second Correction and Clarification Emergency Amendment Act of 2015" be
57 adopted after a single reading.

58 Sec. 4. This resolution shall take effect immediately.