

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: October 2, 2018

SUBJECT: Report on Bill 22-913, “Tipped Wage Workers Fairness Amendment Act of 2018”

The Committee of the Whole, to which Bill 22-913, the “Tipped Wage Workers Fairness Amendment Act of 2018” was referred, reports favorably thereon with amendments, and recommends approval by the Council.

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I. BACKGROUND AND NEED

The purpose of Bill 22-913, the “Tipped Wage Workers Fairness Amendment Act of 2018,” is to repeal DC Act 22-436, “Initiative 77 – Minimum Wage Amendment Act of 2018.” (“Initiative 77”). Bill 22-913 also requires the Department of Employment Services (DOES) to create and maintain a website that describes the various wage and hour and anti-discrimination statues in District law, to mandate training with regard to sexual harassment and the requirements of the District’s wage theft laws, and to direct the Mayor to establish a dedicated tip line that individuals may call to report suspected violations of the District’s wage and hour laws. Further, the bill requires employers who employ tipped workers to use a third-party individual or entity to prepare the employer’s payroll and orders the third-party to submit quarterly wage information. Currently, employers, and not a third-party, are required to submit their wage information to the Mayor.

Background:

Over the past several years, the District has enacted several labor-friendly laws, including drastic increases in the minimum wage. Prior to D.C. Law 20-91, the “Minimum Wage Amendment Act of 2013,” which became effective on March 11, 2014, the hourly minimum wage was \$7.00.¹ Under D.C. Law 20-91, the minimum wage rose to \$9.50 on July 1, 2014, to \$10.50 on July 1, 2015, and to \$11.50 on July 1, 2016. In 2016, the Council approved D.C. Law 21-144, the “Fair Shot Minimum Wage Amendment Act of 2016.” Under D.C. Law 21-144, the minimum wage was further increased as depicted in the table below.

Minimum Wage	Effective Date
\$12.50	July 1, 2017
\$13.25	July 1, 2018
\$14.00	July 1, 2019
\$15.00	July 1, 2020

In addition to the above changes, D.C. Law 21-144 also increased the “tipped minimum wage,” which is the subminimum wage paid to individuals who receive gratuities.

All individuals employed in the District are entitled to the minimum wage. Generally, individuals who receive gratuities, also known as tipped workers, earn equal to or above the hourly minimum wage through tips they receive combined with the “tipped minimum wage,” which they are entitled to regardless of how much they earn per hour in tips. If a tipped worker, does not make equal to or above the minimum wage, his or her employer is required to pay the difference between the total that the tipped worker made hourly in tips plus the “tipped minimum wage” and the hourly minimum wage. Thus, every individual employed in the District, regardless of whether an individual is a tipped worker, is entitled to at least \$13.25 per hour, and by July 1, 2020, will be earning at least \$15.00 per hour.

As noted above, D.C. Law 21-144 also increased the hourly “tipped minimum wage.” Under the introduced version of D.C. Law 21-144, the “tipped minimum wage” rose from \$2.77 per hour, which had been the hourly “tipped minimum wage” since January 1, 2005, to half the minimum wage by July 1, 2023.² However, such a rise was problematic, and opponents of the drastic increase raised a number of serious concerns.³ Based on the testimony and concerns raised prior to the approval of D.C. Law 21-144, the Council approved smaller, incremental changes to the “tipped minimum wage.” Under D.C. Law 21-144, the “tipped minimum wage” rose to \$3.33 per hour on July 1, 2017, to \$3.89 on July 1, 2018 and will rise to \$4.45 on July 1, 2019 and to \$5.00 on July 1, 2020.⁴

The concerns raised back in 2016 continue to be concerns today – namely that drastically increasing the “tipped minimum wage” will result in restaurants either laying off staff or closing

¹ See legislative history of DC Official Code § 32-1003.

² See introduced version of Bill 21-712.

³ See Committee report for D.C. Law 21-144.

⁴ D.C. Official Code §32-1003(f).

and would lead to sharp decline in the income of tipped workers.⁵ Given that these concerns were voiced when the “tipped minimum wage” was going to be half of the minimum wage – \$7.50 by 2023 if the minimum wage was \$15.00 per hour at that point – it is unsurprising that such concerns were also raised this year when it was announced that Initiative 77 was going to be on the primary ballot on June 19, 2018. Prior to the election, a vast majority of the Councilmembers stated publicly that they opposed the Initiative. Additionally, the opponents of the Initiative, many of whom are tipped workers, have continued to express their concerns even after the Initiative passed on June 19th and have asked the Council to move legislation that would repeal the Initiative. Seven Councilmembers chose to stand with tipped workers and introduced this bill on July 9, 2018.

Repealing Initiative 77:

On June 19, 2018, Initiative 77 was approved through a ballot initiative. This is how the Initiative was explained to voters; this is the summary statement that was on the ballot:

“If enacted, this initiative will gradually increase the minimum wage in the District of Columbia to \$15 hourly by 2020; gradually increase the minimum wage for tipped employees so that they receive the same minimum wage directly from their employer as other employees by 2026; Beginning in 2021, require minimum wage to increase yearly in proportion to increases in the consumer price index. The minimum wage increases under the initiative will not apply to DC government employees or employees of D.C. government contractors.”

This statement on the ballot was misleading at best, dishonest at worst. The very first phrase – “If enacted, this initiative will gradually increase the minimum wage in the District of Columbia to \$15 hourly by 2020” – is false. The \$15.00 minimum wage is already required pursuant to DC Law 21-144, the “Fair Shot Minimum Wage Amendment Act of 2016.” The next phrase – “gradually increase the minimum-wage for tipped employees so that they receive the same minimum wage directly from their employer as other employees by 2026” – is misleading, because it suggests that tipped employees are not now entitled to the same minimum wage as all other employees, even though current law requires it. Finally, the phrase that states “[b]eginning in 2021, require minimum wage to increase yearly in proportion to increases in the consumer price index” is also already law.⁶

Because of the wording, many individuals who voted to approve Initiative 77 did so because they agreed with raising the minimum wage to \$15.00 per hour and did not realize that current law already requires this to occur on July 1, 2020. As Michael Saltsman noted in his Washington Post op-ed, published on September 7, 2018, over half of the individuals that his company polled voted for Initiative 77 because they thought they were voting to increase the minimum wage.⁷

⁵ Committee report for Law 21-144.

⁶ D.C. Official Code §32-1003(a)(6).

⁷ https://www.washingtonpost.com/opinions/initiative-77-was-wrong-in-june-and-its-wrong-now/2018/09/07/9c940e56-b075-11e8-a20b-5f4f84429666_story.html?utm_term=.134a642db9c1.

In addition to the misleading wording, it is notable that the individuals that Initiative 77 purports to save have been incredibly vocal against the Initiative. Generally, workers support changes in labor laws. However, with Initiative 77, tipped workers have made it clear that they do not support the Initiative⁸ and have asked the Council to intervene. At the September 17, 2018 hearing on Bill 22-913, over 60 tipped workers who either work or both live and work in the District testified in support of the bill and repealing Initiative 77. Witness after witness stated that he or she made well above the minimum wage through tips and was concerned about losing money because customers would either tip less or not at all once the “tipped minimum wage” was increased, and eventually eliminated.⁹ Stacy Malary, a tipped worker who both lives and works in the District, testified that her co-workers and friends have already started to see a decrease in their tips, as patrons have written “Yes I77” on their receipts and left no tip.¹⁰ Symone Wilson, another tipped worker who both lives and work in the District, testified that she also has started to see a decrease in the tips she has received, as some customers believe that Initiative 77 went into effect immediately, and thus have stopped tipping.¹¹ A 2016 Census Bureau report reiterates this point, finding that tips decreased when the “tipped minimum wage” increased.¹² Moreover, restaurants in other states where the “tipped minimum wage” has been eliminated have turned to service charges in lieu of tips. However, the service charges do not go directly to a server, bartender, food runner, etc. but instead a percentage goes to those employees while the rest goes to the restaurant in an effort to make up the increased personnel costs.¹³

Additionally, witnesses noted that if restaurants have to increase the wages of servers or bartenders, regardless of how much these individuals make in tips, less money will then be available to pay non-tipped employees, individuals often referred to as “back of the house.” This will result in individuals’ pay stagnating, a decrease in benefits, or workers being laid off to compensate for the increased wage costs. Proponents of Initiative 77 disagree and argue that the Initiative will lead to an increased pay and protection for the most vulnerable of workers. Yet, as Valerie Graham, a tipped worker who lives and works in the District, testified at the September 17th hearing, the “[i]nterests of the most vulnerable in our community will not be well-served by dismantling our industry. With Initiative 77, ROC [the Restaurant Opportunities Center United] uses an axe where a scalpel would be most effective . . . [the] most vulnerable will see that the floor has been lifted but the ceiling has collapsed.”¹⁴

Proponents of Initiative 77 point to the seven other states that have eliminated a “tipped minimum wage” as proof that doing so in the District will not be problematic. However, in doing so, proponents of the Initiative fail to account for the fact that the business demographics in those states are much different than those in the District. Specifically, the other states have a larger proportion of restaurants that are part of nationwide chains, thereby making it easier for restaurants

⁸ As Brian Barrera, a DC resident and tipped worker who works in the District, stated, it “[s]hould be clear to everyone here that we are very capable of organizing ourselves, and that if we wanted a change like the one in 77, we would have organized it ourselves. But we didn’t.” Sept. 17th testimony.

⁹ See testimony from Sept. 17th hearing.

¹⁰ Stacy Malary testimony at Sept. 17th hearing.

¹¹ Testimony.

¹² Saltsman written testimony.

¹³ See Barrone testimony.

¹⁴ Testimony at Sept. 17th hearing.

to offset the increased costs that come with drastically increasing the amount that a restaurant has to pay its tipped workers regardless of how much the worker makes in tips. Over 96% of the sit-down restaurants in the District, on the other hand, are independently owned or operated.¹⁵ Numerous restaurant owners and operators testified at the September 17th hearing and expressed grave concern with regard to the impact Initiative 77 will have on their businesses. Billy Martin, the owner of Martin's Tavern, which is the oldest family-owned restaurant, in the District, testified that Initiative 77 will increase his personnel costs by \$500,000 annually.¹⁶ Given that Mr. Martin already charges \$17 for a hamburger at his Georgetown establishment, raising prices are not an option when it comes to covering the additional costs. Thus, he will be left with few options, for example, eliminating jobs or closing the restaurant, if Initiative 77 takes effect. Mr. Martin is not alone. Clementine Thomas, the owner of Chez Billy Sud, also testified that Initiative 77 will raise her costs by about \$250,000 annually.¹⁷ Like Mr. Martin, the only way Ms. Thomas will be able to cover the increased costs will be to lay people off, or to close her restaurant entirely.¹⁸ In either scenario Initiative 77 is not helping tipped workers. It does not matter how much an individual is paid if there are no jobs.

Further, opponents of Initiative 77 point out that the effects of eliminating the “tipped minimum wage” in other jurisdictions is not as positive as proponents of the Initiative would lead one to think. Restaurants in Denver, San Francisco, and New York City has closed due to the increased wage costs that have occurred due to the elimination of the “tipped minimum wage.”¹⁹ Additionally, other restaurants in San Francisco, for example, have moved to a self-serve model, in order to eliminate personnel costs that have soared over the past few years.²⁰ Additionally, Simone Barron, a tipped worker in Seattle, Washington who flew in to testify at the September 17th hearing, testified that some restaurants in Seattle have also moved to using self-service kiosks as a way to cut back on labor costs after the “tipped minimum wage” was eliminated in Washington.²¹ Ms. Barrone, who has experienced the effects of eliminating the “tipped minimum wage” firsthand, implored the Council to repeal Initiative 77. For all the reasons outlined above, the Committee agrees with Ms. Barrone's sentiment and believes that the best path forward is to repeal Initiative 77.

Wage Theft Prevention and Sexual Harassment

The Committee acknowledges that other issues raised by proponents of Initiative 77 – including wage theft and sexual harassment – are serious issues that must be addressed. However, Initiative 77 is not the solution. Raising, and then eliminating, the “tipped minimum wage” is not going to prevent wage theft or sexual harassment. Rather, efforts, such as education and stronger

¹⁵ Testimony from Sept. 17th hearing.

¹⁶ Martin Sept. 17th testimony. As noted by Dave Roubie, the managing director at Tabard Inn, personnel costs are just the increased wages. One also has to account for the increased payroll taxes and worker's compensation that come along with a higher base wage (i.e. higher tipped minimum wage).

¹⁷ Thomas testimony.

¹⁸ *Id.*; see also Saltsman written testimony – “[a] study from economists at Harvard and Mathematica identified a 14% increase in closures for median-rated restaurants in the Bay area following each \$1 increase in the base wage.” Additionally, a ROC Board member also admitted earlier this year that Initiative 77 would result in restaurants closing.

¹⁹ See e.g. <https://www.denverpost.com/2018/09/05/paramount-cafe-marlowes-govnrslalas-closing/>

²⁰ <https://www.nytimes.com/2018/06/25/dining/san-francisco-restaurants-service.html>.

²¹ See Barrone Sept. 17th testimony.

enforcement of the District's current wage theft laws, will have a greater impact.²² As one witness stated at the hearing, "abuse in the workplace, whether it's wage theft or sexual harassment is about power. The only way we can change the cycle is to change who has it."²³ To that end, the Committee has included several provisions in committee print to change who has the power.

Specifically, the committee print requires all employers who employ tipped workers to use a third-party payroll company to administer the employer's payroll. By requiring a third-party, employers will have less of a chance to commit wage theft since the employer will no longer be in control of his or her payroll. Also, if an employee has not made the hourly minimum wage, the payroll company can alert an employer to this issue so that the employer can correct the issue.²⁴ Additionally, instead of an employer submitting quarterly wage data to DOES through the "tip portal," the third-party payroll company will now submit the quarterly wage data for each employer whose payroll they administer. This protects against an employer falsifying data that is submitted through the "tip portal." Further, the bill indicates that the third-party payroll company can submit the quarterly wage data in an electronic spreadsheet format instead of being required to enter all wage data manually, thereby lessening the burden on the payroll company, as well as inadvertent entry errors that come with manual entry.

The committee print also mandates that all owners or operators who employ tipped workers must, at least once annually, attend an in-person trainings on sexual harassment and the requirements under the District's wage theft laws. Such trainings are already offered to members of the Restaurant Association of Metropolitan Washington in effort to ensure that owners and operators are aware of the District's laws, as well as to provide owners and operators with tools on addressing sexual harassment. Managers of businesses who employ tipped workers must also participate in similar trainings, which may be in-person or online. The bill also requires employers to make such trainings available to all staff who may want to participate in such. As witnesses noted at the September 17th hearing, sexual harassment is not unique to the restaurant industry.²⁵ In order to address the issue, which is a societal one, individuals must be educated and have the tools to address sexual harassment head on. Mandating that individuals have to become educated on both the requirements under the law but also on ways to intervene when they see a colleague being sexually harassed is a way to shift the power.

In order to shift the power when it comes to wage theft, education – both in terms of training not only owners, operators, and managers but also employees as to their rights under the law – is necessary. The same is true with regard to other wage and hour, as well as anti-discriminatory, District laws. Often when an individual is hired, his or her employer hands them numerous pieces of paper outlining a worker's rights, but individuals rarely have the opportunity to read through all of the notices prior to starting work or cannot remember where he or she put the numerous notices

²² In an August 31, 2018 article discussing how the District's labor laws are the strongest in the country when compared to other states, Brittany Alston, a policy analyst at the D.C. Fiscal Policy Institute, noted that "labor laws are truly only as good as the enforcement behind them. Additionally, the fact that the District's Attorney General can now bring cases against businesses that commit wage theft has already led to two cases being brought against companies that have committed wage theft.

²³ Clementine Thomas testimony.

²⁴ See testimony from Ris Lacoste.

²⁵ See various Sept. 17th testimony

handed to him or her upon beginning employment. Likewise, owners and operators who want to comply with all the laws may not even be aware of a particular law or the requirements under it. Thus, Bill 22-913 also requires the Mayor to create and maintain a website that describes a worker's rights under all the District's hour and wage and anti-discriminatory laws. The website will also explain how an individual may submit a complaint or potential violation to the Mayor, including the number for the dedicated "tip line, which Bill 22-913 requires, if the complaint is related to wage theft, as well as provide resources for an individual who believes his or her rights have been violated. This website will be updated as District laws are updated and will be easily accessible to both workers and employers alike. Further, the website must be compliant with the District's language access laws, thereby ensuring that all workers in the District will be able to know their rights and what to do if they feel that their rights have been violated.

Conclusion

The Committee has heard the voices of the multitude of tipped workers who have asked the Council to intervene and repeal Initiative 77, and the Committee stands with tipped workers in the District. While some may believe that overturning an initiative is anti-democratic, the Committee views the initiative as any other piece of legislation passed by the Council, which mends laws all the time. If a law is a bad law it should be amended or repealed. It does not matter if the law was adopted by Congress, the voters, or the Council. Indeed, the Council adopted an eviction law this past June that it then repealed two weeks later. A bad law should be amended or repealed, and given that Initiative 77 is a bad law, the Committee believes that the Council is duty-bound to repeal Initiative 77. Thus, the Committee recommends that the Council continue to stand with the District's tipped workers and approve Bill 22-913,

II. LEGISLATIVE CHRONOLOGY

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| July 9, 2018 | Bill 22-913, the "Tipped Wage Workers Fairness Amendment Act of 2018," is introduced by Chairman Mendelson and Councilmembers Bonds, Evans, Gray, McDuffie, Todd, and T. White. and is referred to the Committee of the Whole. |
| July 10, 2018 | Bill 22-913 is "read" at a Committee of the Whole meeting; on this date the referral of the bill to the Committee of the Whole is official. |
| July 20, 2018 | Notice of Intent to Act on Bill 22-913 is published in the <i>District of Columbia Register</i> . |
| August 3, 2018 | Notice of a Public Hearing on Bill 22-913 is published in the <i>District of Columbia Register</i> . |
| September 17, 2018 | The Committee of the Whole holds a public hearing on Bill 22-913. |
| October 2, 2018 | The Committee of the Whole marks-up Bill 22-913. |

III. POSITION OF THE EXECUTIVE

The Committee received no comments from the Executive.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received comments from ANC3D and ANC4D. Both requested that the Council uphold the result of June 19, 2018 primary vote on Initiative 77.

V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on Bill 22-913 on Monday, September 17, 2018. The testimony summarized below is from that hearing. Copies of written testimony are attached to this report.

John Guggenmos, Owner of Trade and Number Nine Bars, DC Resident, testified in support of Bill 22-913.

Matt Hanson, Director of DC Working Families, DC Resident, testified in opposition to Bill 22-913.

Ryan Aston, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Valerie Torres, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Mark Lee, Managing Consultant, NO2DC77, DC Resident, testified in support of Bill 22-913.

Michael Haresign, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Chelsea Silber, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Frank Mills, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Paul Dean, Executive Director of DC Brewers Guild, Virginia Resident, testified in support of Bill 22-913.

Avalon Barnes, Tipped Worker in DC, Virginia Resident, testified in support of Bill 22-913.

Billy Martin, Owner/Operator of Martin's Tavern, Virginia Resident, testified in support of Bill 22-913.

Karim Soumah, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Sophia Miyoshi, Community Organizer for Restaurant Opportunities Center United (ROC), Maryland Resident, testified in opposition to Bill 22-913.

Laura Pacholkiw, Tipped Worker in DC, Maryland Resident, testified in support of Bill 22-913.

Erick Taylor, DC Council Liaison for One Fair Wage, DC Resident, testified in opposition to Bill 22-913.

Luis Valle, Tipped Worker in DC, Virginia Resident, testified in support of Bill 22-913.

Zac Hoffman, Tipper Worker in DC, DC Resident, testified in support of Bill 22-913.

Sheena Wills, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Lizzie Palumbo, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Jeffery Shapiro, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Alejandro Villanueva, Tipped Worker in DC, Virginia Resident, testified in support of Bill 22-913.

Valerie Graham, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Brett Johnson, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Lauren Mcgrath, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Justin Robinson, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Dylan Curtis, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Dawn Williams, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Ann Eveleth, Tipped Worker in DC, DC Resident, testified in opposition to Bill 22-913.

Nathan Luecking, Social Worker at Anacostia High School, DC Resident, testified in opposition to Bill 22-913.

Gregory Cendana, President/Co-Founder of Can't Stop! Won't Stop! Consulting, DC resident, testified in opposition to Bill 22-913.

Maria Bastasch, Tipper Worker in DC, DC Resident, testified in

Stacy Malary, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Symone Wilson, Tipper Worker in DC, DC Resident, testified in support of Bill 22-913.

Nick Schieber, Owner of Jackie Lee's, DC Resident, testified in support of Bill 22-913.

Trupti Patel, Tipped Worker in DC, DC Resident, testified in opposition to Bill 22-913.

Colin Laverty, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Daniel Lloyd, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Stephanie Strazisar, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Pearl Hood, Former Tipped Worker in DC, DC Resident, testified in opposition to Bill 22-913.

Thea Bryan, Former Tipped Worker, Maryland Resident, testified in opposition to Bill 22-913.

Jason Hillegass, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Petra Geier, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Woong Chang, Board Member of ROC, DC Resident, testified in opposition to Bill 22-913.

Marie-Reine Viollin, Tipped Worker in DC, Virginia Resident, testified in support of Bill 22-913.

Kathy Hollinger, President & CEO of Restaurant Association of Metropolitan Washington, DC Resident, testified in support of Bill 22-913.

Andrew Kline, Legislative Consultant for Restaurant Association of Metropolitan Washington, Virginia Resident, testified in support of Bill 22-913.

Joshua Chaisson, Co-Founder & Vice President of Restaurant Workers of America, Maine Resident, testified in support of Bill 22-913.

Sean Beavers, Co-Founder & Director of Full Service Workers Alliance, Washington Resident, testified in support of Bill 22-913.

David Moran, Area Director of Operations for Clyde's Restaurant Group, Virginia Resident, testified in support of Bill 22-913.

Rose Previte, Owner of Compass Rose, DC Resident, testified in support of Bill 22-913.

Simone Barron, Tipped Worker in Seattle, Washington, Washington Resident, testified in support of Bill 22-913.

Jill Tyler, Co-Owner of Tail Up Goat, DC Resident, testified in support of Bill 22-913.

Gavin Coleman, Owner of The Dubliner Restaurant & Pub and The Salt Line, DC Resident, testified in support of Bill 22-913.

Jackie Greenbaum, Co-Owner of El Chucho, Little Coco's, and Bar Charley, DC Resident, testified in support of Bill 22-913.

Dr. Yvonne Slosarski, Professor of Rhetoric at the University of Maryland, DC Resident, testified in opposition to Bill 22-913.

Eric Atilano, Civil Rights Attorney, DC Resident, testified in opposition to Bill 22-913.

Taneisha Hasan, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Michael Richmond, General Manager at Rose's Luxury, DC Resident, testified in support of Bill 22-913.

Doug Foote, Non-Tipped Worker, DC Resident, testified in opposition to Bill 22-913.

Leah Cheston, Co-Owner of Right Proper Brewing Company, DC Resident, testified in support of Bill 22-913.

Shannan Troncoso, Owner & Chef of Brookland's Finest, DC Resident, testified in support of Bill 22-913.

Raymond Blanks, Retired, DC Resident, testified in opposition to Bill 22-913.

Henri Lubet, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Josh Phillips, Partner/General Manager of Espita Mezcaleria, DC Resident, testified in support of Bill 22-913.

Kesh Ladduwahetty, Chair of DC for Democracy, DC Resident, testified in opposition to Bill 22-913.

Nadia Cortez, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Michael McGavran, Tipper Worker in DC, DC Resident, testified in support of Bill 22-913.

Jason Berry, Owner of Knead Hospitality + Design, DC Resident, testified in support of Bill 22-913.

Brittany Alston, Policy Analyst, DC Fiscal Policy Institute, DC Resident, testified in opposition to Bill 22-913.

Griffin Tanner, Former Tipped Worker in DC, DC Resident, testified in opposition to Bill 22-913.

Cynthia Sanchez, Owner of Cactus Cantina and Lauriol Plaza Restaurants, DC Resident, testified in support of Bill 22-913.

Diana Ramirez, Director of ROC-DC, Maryland Resident, testified in opposition to Bill 22-913.

Yana Tarakanova, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Katharine Landfield, Social Worker, DC Resident, testified in opposition to Bill 22-913.

Sean Siperstein, Non-Tipped Worker, DC Resident, testified in opposition to Bill 22-913.

Chandrasekaran Shanmugam, Tipped Worker in DC, Maryland Resident, testified in support of Bill 22-913.

Angie Whitehurst, Retired, DC Resident, testified in opposition to Bill 22-913.

Renee Bracey Sherman, Senior Public Affairs Manager for the National Network of Abortion Funds, testified in opposition to Bill 22-913.

Violette Davis, Owner of The Looking Glass Lounge, DC Resident, testified in support of Bill 22-913.

Lisa Hunter, Freelance Consultant, DC Resident, testified in opposition to Bill 22-913.

Daniel Katz, Senior Counsel at Washington Lawyers' Committee for Civil Rights and Urban Affairs, testified in opposition to Bill 22-913.

Jeff Vogt, Solidarity Center, DC Resident, testified in opposition to Bill 22-913.

David Cooper, Senior Economic Analyst at the Economic Policy Institute, testified in opposition to Bill 22-913.

Yesim Taylor, Executive Director of the DC Policy Center, testified in support of Bill 22-913.

Nickos Papageorge, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Ed Lazere, Executive Director of the DC Fiscal Policy Institute, DC Resident, testified in opposition to Bill 22-913.

Samuel Shanks, DC Resident, testified in opposition to Bill 22-913.

Michael Brown, US Senator for DC, DC resident, testified in

David Schwartzman, Chair of Political Policy & Action Committee of DC Statehood Green Party, DC Resident, testified in opposition to Bill 22-913.

Chantal Coudoux, Former Tipped Worker in DC, Maryland Resident, testified in opposition to Bill 22-913.

Renee Bowser, Retired Labor Attorney, DC Resident, testified in opposition to Bill 22-913.

Venorica Tucker, Tipped Worker in DC, Maryland Resident, testified in opposition to Bill 22-913.

Monica Weeks, President of DC NOW, DC Resident, testified in opposition to Bill 22-913.

Allison Kays, General Manager of Justin's Café, DC Resident, testified in support of Bill 22-913.

Sean Davis, Jr., Data Security and Technology Fellow at National Consumers' League, Maryland Resident, testified in opposition to Bill 22-913.

Julia Reticker-Flynn, All Above All & Advocates for Youth, DC Resident, testified in opposition to Bill 22-913.

Rosse Kone, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Maria Barry, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Paula Edwards, Certified Public Accountant, DC Resident, testified in opposition to Bill 22-913.

John Kwamya, Former Tipped Worker, Maryland Resident, testified in support of Bill 22-913.

Taun Sterling, Communications Associate at the National Consumers' League, DC Resident, testified in opposition to Bill 22-913.

Amanda Choutka, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Spencer Thanouser, Manager at RedRocks, DC Resident, testified in support of Bill 22-413.

Bill Croke, Owner of Various Restaurants in DC, Maryland Resident, testified in support of Bill 22-913.

Brian Barrera, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Joel Panozzo, Owner of The Lunch Room in Ann Arbor, Michigan, Michigan Resident, testified in opposition to Bill 22-913.

Dr. Teofilo Reyes, National Research Director for ROC-United and Visiting Scholar at the Food Labor Research Center at University of California, Berkeley, California Resident, testified in opposition to Bill 22-913.

Rev. Graylan Scott Hagler, Senior Minister, Plymouth Congregational United Church of Christ, DC Resident, testifies in opposition to Bill 22-913.

Susan Lubet, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Daniel Patterson, Restaurant Owner, California Resident, testified in opposition to Bill 22-913.

Anthony Lorenzo Green, ANC Commissioner, DC Resident, testified in opposition to Bill 22-913.

Gracie Anderson, Owner of Town Tavern, DC Resident, testified in support of Bill 22-913.

Lauren Ulrich, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Gordon Banks, Co-Owner of El Chucho, Little Coco's, and Bar Charley, DC Resident, testified in support of Bill 22-913.

Zachary Woodward, Congressional Aide, DC Resident, testified in opposition to Bill 22-913.

Eric Harris Bernstein, Tipped Worker in California, California Resident, testified in opposition to Bill 22-913.

Julie Vogtman, Director of Job Quality & Senior Counsel at National Women's Law Center, Virginia Resident, testified in opposition to Bill 22-913.

Negin Owliaei, Inequality Researcher and Editor at Institute for Policy Studies, DC Resident, testified in opposition to Bill 22-913.

Dia King, Valet in DC, DC Resident, testified in opposition to Bill 22-913.

Abdul Fofana, Tipped Worker in DC, Maryland Resident, testified in opposition to Bill 22-913.

Sahil Mehrotra, Analyst at Lake Research Partners, Virginia Resident, testified in opposition to Bill 22-913.

Brian Keyser, Restaurant Owner in New York City, New York Resident, testified in opposition to Bill 22-913.

Michael Wille, Former Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Travis Ballie, Abortion Rights Organizer, DC Resident, testified in opposition to Bill 22-913.

Jeremiah Lowery, Political Organizer, DC Resident, testified in opposition to Bill 22-913.

Dave Roubie, Managing Director at Tabard Inn, Virginia Resident, testified in support of Bill 22-913.

James Roderick, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Rev. Wanda Thompson, Pastor at Ambassador Baptist Church, DC Resident, testified in opposition to Bill 22-913.

David Chisolm, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Ayana Teran, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Bill Thomas, Owner of Jack Rose Dining Salon, DC Resident, testified in support of Bill 22-913.

Paul Holder, Partner of Town Hall, Sixth Engine, and The Salt Line Restaurants, DC Resident, testified in support of Bill 22-913.

Erica Christian, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Dan Mauer, Communication Workers of America, DC Resident, testified in opposition to Bill 22-913.

Faith Alice Sleeper, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Ris Lacoste, Owner of RIS Restaurant, DC Resident, testified in support of Bill 22-913.

David Wizenberg, Co-Owner of Various Restaurants in DC, Maryland Resident, testified in support of Bill 22-913.

Clementine Thomas, Owner of Chez Billy Sud, DC Resident, testified in support of Bill 22-913.

David Sexton, Former Tipped Worker in DC, DC Resident, testified in opposition to Bill 22-913.

Aubrey DoBoer, Tipped Worker in DC, DC Resident, testified in opposition to Bill 22-913.

Clare Duncan, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Joseph Hudson, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Kyre Williams, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Sam Holley, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

David Constantine, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Max Kuller, Owner of Estadio Restaurant, DC Resident, testified in support of Bill 22-913.

Zakina Bramble, Tipped Worker in DC, DC Resident, testified in opposition to Bill 22-913.

Michael Saltsman, Managing Director of Employment Policies Institute, DC Resident, testified in support of Bill 22-913.

Khalim Tucker, Former Tipped Worker in DC, Maryland Resident, testified in opposition to Bill 22-913.

Dionne Reeder, Restaurant Owner, DC Resident, testified in support of Bill 22-913.

Adam Bernbach, Bar Manager at Estadio Restaurant, DC Resident, testified in support of Bill 22-913.

Jason Kaestner, Tipped Worker in DC, DC Resident, testified in support of Bill 22-913.

Jennifer Lucy, General Manager at Estadio Restaurant, Virginia Resident, testified in support of Bill 22-913.

Cori Bryant, Tipped Worker in DC, Virginia Restaurant, testified in support of Bill 22-913.

Greg Casten, Owner of Various Restaurants in DC, Maryland Resident, testified in support of Bill 22-913.

Ntebo Mokuena, Former Tipped Worker, DC Resident, testified in opposition to Bill 22-913.

Maxwell Hessman, Tipped Worker in DC, Maryland Resident, testified in support of Bill 22-913.

The Committee also received several written statements from both supporters and critics of Bill 22-913. These statements can be found in the public hearing record for this bill.

VI. IMPACT ON EXISTING LAW

Bill 22-913 repeals DC Act 22-436, “Initiative 77 – Minimum Wage Amendment Act of 2018. Additionally, the bill requires DOES to create and maintain an easily accessible website that contains a description of the various wage and hour, as well as anti-discrimination, statutes in the District. The bill also provides that owners and operators who employ tipped workers must attend, at least once annually, training on sexual harassment and the requirements under the District’s wage theft law. Managers of establishment that employ tipped workers must also participate in training, whether in-person or online. Further, the bill requires employers notify and provide their employees with the opportunity to participate in sexual harassment training and training with regard to the requirements under the District’s wage theft law. Employers must certify, by December 31st of each year, to DOES and the Office of Human Rights that they have complied with the training requirements set forth in this bill.

The bill also amends the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; DC Official Code § 32-1001 *et seq.*) to require employers who employ tipped workers to use a third-party to oversee the employer’s payroll. The third-party is required to submit to DOES, on a quarterly basis, various wage and hour information. Currently, the law requires that employers submit this data on a quarterly basis. The third-party payroll providers will submit the data via the “tip portal,” which was created in D.C. Law 20-91, the “Minimum Wage Amendment Act of 2013.”²⁶ Additionally, Bill 22-913 allows for a third-party payroll provider to submit the required wage information by submitting an electronic spreadsheet via the tip portal or by submitting it to DOES in paper form. Currently, employers must manually enter all information into the “tip portal,” making compliance time-consuming and frustrating.

²⁶ See subsection 2(c) of D.C. Law 20-91.

Finally, Bill 22-913 amends Section 6(a-1) of An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat.976; D.C. Official Code § 32-1306(a-1)) to require the Mayor to establish a dedicated tip line, which individuals may call to report a suspected violation of the District’s wage and hour laws.

VII. FISCAL IMPACT

According to the

VIII. SECTION-BY-SECTION ANALYSIS

<u>Section 1</u>	Short title.
<u>Section 2</u>	Repeals DC Act 22-436, “Initiative 77 – Minimum Wage Amendment Act of 2018”
<u>Section 3</u>	Requires the Department of Employment Services (DOES) to create and maintain an easily accessible notice website that describes the various District wage and hour and anti-discrimination laws.
<u>Section 4</u>	Mandates business owners or operators who employ tipped workers to attend, at least once annually, sexual harassment training and training on the District’s wage theft laws; states that managers employed by an employer who employs tipped workers also must participate in sexual harassment training and training on the District’s wage theft law either through person or via a web-based training; indicates that employees be afforded the opportunity to attend training as well; and by December 31 st of each year, employers must certify to DOES and the Office of Human Rights that they have satisfied the requirements of this section.
<u>Section 5</u>	Amends the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; DC Official Code § 32-1001 <i>et seq.</i>) to require employers of tipped workers to use a third-party to do payroll for the employer and, on a quarterly basis, the third-party entity must submit certain wage information to DOES. It also indicates that the “tip portal” required under D.C. Official Code § 32-1009.01 be configured to allow the necessary wage information to be submitted in an electronic spreadsheet instead of through manual entry of the required wage information.
<u>Section 6</u>	States that DOES must establish a phone tip line dedicated to the reporting of wage and hour violations.
<u>Section 7</u>	Adopts the Fiscal Impact Statement

Section 8 Establishes the effective date by stating the standard 30-day Congressional review language.

IX. COMMITTEE ACTION

On October 2, 2018, the Committee met to consider Bill 22-913, the “Tipped Wage Workers Fairness Amendment Act of 2018.” The meeting was called to order at _____, and Bill 22-913 was item VI-E on the agenda. After ascertaining a quorum (Chairman Mendelson and Councilmembers Allen, Bonds, Cheh, Evans, Gray, Grosso, McDuffie, Nadeau, Silverman, Todd, R. White, and T. White present), Chairman Mendelson moved the committee print for Bill 22-913 with leave for staff to make technical and conforming changes. After an opportunity for discussion, the vote on the print was _____. Then, Chairman Mendelson moved the committee report for Bill 22-913 with leave for staff to make technical, editorial, conforming changes. After an opportunity for discussion, the vote on the report was _____ (Chairman Mendelson and Councilmembers Allen, Bonds, Cheh, Evans, Gray, Grosso, McDuffie, Nadeau, Silverman, Todd, R. White, and T. White voting _____). The meeting adjourned at _____.

X. ATTACHMENTS

1. Bill 22-913 as introduced.
2. Written Testimony.
3. Fiscal Impact Statement for Bill 22-913.
4. Legal Sufficiency Determination for Bill 22-913.
5. Comparative Print for Bill 22-913.
6. Committee Print for Bill 22-913.

11
12 A BILL

13
14 22-913

15
16
17 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
18
19
20
21

22 To require the Mayor to create an easily accessible notice website that describes the various
23 District wage and hour and anti-discrimination laws; ; mandates that business owners or
24 operators who employ tipped workers attend, at least once annually, as sexual harassment
25 training and training on the requirements under the District’s wage theft law, as well as
26 indicates that managers who are employed by an employer who employs tipped workers
27 attend either an in-person or web-based training, at least once annually, on sexual
28 harassment and the requirements of the District’s wage theft law, further dictates that
29 employers of tipped workers provide employees with the opportunity to attend sexual
30 harassment training or training on the requirements of the District’s wage theft law, and
31 requires employers to certify to DOES and the Office of Human Rights that such training
32 requirements have been met; repeals Initiative 77 – Minimum Wage Amendment Act of
33 2018; dictates that employers who employ tipped workers use a third-party to do payroll
34 for the employer and mandates the third-party to report certain wage data to DOES on a
35 quarterly basis; and indicates that the tip portal operated by the Mayor accepts electronic
36 spreadsheets with wage information instead of requiring manual entry of such data.
37

38 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
39 act may be cited as the “Tipped Wage Workers Fairness Amendment Act of 2018”.

40 Sec. 2. The Initiative No. 77 -- Minimum Wage Amendment Act of 2018, enacted on
41 June 29, 2018 (D.C. Act 22-396), is repealed.

42 Sec. 3. District of Columbia Labor Law Universal Notice Requirements.

43 (a)(1) The Mayor shall create and maintain an Internet website that states the rights and
44 benefits to which an individual is entitled under the following District of Columbia labor and
45 anti-discrimination laws:

46 (A) Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C.
47 Official Code §§ 2-220.01 *et seq.*);

48 (B) DC Human Rights Act, effective December 13, 1977 (D.C. Law 2-38; D.C.
49 Official Code §§ 2-1402.01 *et seq.*);

50 (C) District of Columbia Family and Medical Leave Act of 1990, effective
51 October 3, 1990 (D.C. Law 8-181; D.C. Official Code §§32-501 *et seq.*);

52 (D) District of Columbia Parental Leave Act of 1994, effective August 17, 1994
53 (D.C. Law 10-146; D.C. Official Code §§ 32-521.01 *et seq.*);

54 (E) Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C.
55 Law 17-152; D.C. Official Code §§ 32-531.01 *et seq.*);

56 (F) Universal Paid Leave Amendment Act of 2016, effective April 7, 2017
57 (D.C. Law 21-264; D.C. Official Code §§ 32-541.01 *et seq.*);

58 (G) Minimum Wage Revision Act of 1992, effective March 25, 1993 (D.C. Law
59 9-248; D.C. Official Code §§ 32-1001 *et seq.*);

60 (H) Building Services Employees Minimum Work Week Act of 2016, effective
61 October 8, 2016 (D.C. Law 21-157; D.C. Official Code §§ 32-1051.01 *et seq.*);

62 (I) Protecting Pregnant Workers Fairness Act of 2014, effective March 3, 2015
63 (D.C. Law 20-168; D.C. Official Code §§ 32-1231.01 *et seq.*); and

64 (J) District of Columbia Workers' Compensation Act of 1979, effective July 1,
65 1980 (D.C. Law 3-77; D.C. Official Code §§ 32-1501 *et seq.*).

66 (2) The internet website shall also contain the number of the tip line dedicated
67 to receiving wage theft complaints, as required by Section 6(a-1)(1) of An Act To provide for the
68 payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat.

69 976; D.C. Official Code §32-1306(a-1)(1)) and other information on how an individual may
70 submit a labor-related to anti-discrimination complaint to the Mayor and list resources that an
71 individual may consult if the individual believes his or her rights under one or more of the labor
72 and anti-discrimination laws listed in paragraph (1) of this subsection have been violated.

73 (3) The website shall be:

74 (A) easily accessible;

75 (B) user-friendly; and

76 (C) printer friendly.

77 (b)(1) The Mayor shall provide, or make available an electronic version that can be
78 printed and copied, to all private employers a clear and concise poster that states the website's
79 address and states that an employee may access information and obtain a description of his or her
80 rights under the District of Columbia labor and anti-discrimination laws listed in subsection (a)
81 of this section.

82 (2) The poster shall also contain an electronic or digital link that provides access
83 to the Internet website maintained pursuant to subsection (a) of this section. The electronic or
84 digital link shall:

85 (A) State "Scan here for more information regarding your employment
86 and labor rights";

87 (B) Not collect, analyze, or sell any personally identifiable information;

88 and

89 (C) Be of sufficient size to be easily and effectively scanned or read by a
90 digital device.

91 (3) The poster shall include a space where an employer shall print the physical
92 location of the printed material required to be provided by subsection (c) of this section.

93 (4) An employer shall post the poster in a conspicuous place accessible to all
94 employees in or about the premises of the employer. If there are one or more breakrooms or
95 time clocks on the premises, an employer shall post the poster at each such location.

96 (c)(1) In addition to the requirements in subsection (b), an employer shall print the
97 information posted on the website maintained pursuant to subsection (a) of this section and
98 compile it into a single source, such as a binder, that shall be made available to all employees by
99 placing it in a location that is accessible to all employees.

100 (2) An employer shall be responsible for ensuring at least monthly that the
101 information required to be printed and made available pursuant to paragraph (1) of this
102 subsection is up to date and identical to the information provided on the internet website
103 maintained pursuant to subsection (a) of this section.

104 (d) An employer that complies with its obligations as set forth in subsections (b) and (c)
105 of this section shall not be not be required to comply with the posting requirements set forth in
106 the following laws:

107 (1) Section 106 of the Living Wage Act of 2006, effective June 8, 2006 (D.C.
108 Law 16-118; D.C. Official Code § 2-220.06);

109 (2) Section 251 of the DC Human Rights Act, effective December 13, 1977
110 (D.C. Law 2-38; D.C. Official Code § 2-1402.51);

111 (3) Section 12 of the District of Columbia Family and Medical Leave Act of
112 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Official Code § 32-511);

113 (4) Section 7 of the District of Columbia Parental Leave Act of 1994, effective
114 August 17, 1994 (D.C. Law 10-146; D.C. Official Code § 32-521.06);

115 (5) Section 10 of the Accrued Sick and Safe Leave Act of 2008, effective May
116 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-531.09);

117 (6) Section 106(i) of the Universal Paid Leave Amendment Act of 2016,
118 effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code § 32-541.06(i));

119 (7) Section 10 of the Minimum Wage Revision Act of 1992, effective March 25,
120 1993 (D.C. Law 9-248; D.C. Official Code § 32-1009);

121 (8) Section 5 of the Building Services Employees Minimum Work Week Act of
122 2016, effective October 8, 2016 (D.C. Law 21-157; D.C. Official Code § 32-1051.04).

123 (9) Section 5 of the Protecting Pregnant Workers Fairness Act of 2014, effective
124 March 3, 2015 (D.C. Law 20-168; D.C. Official Code § 32-1231.04); and

125 (10) Section 37 of the District of Columbia Workers' Compensation Act of 1979,
126 effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1536).

127 (e) Subsection (d) of this section shall not be construed to mean the requirements of this
128 section are optional.

129 (f) The website required to be maintained pursuant to subsection (a) of this section, the
130 poster required to be provided and posted pursuant to subsection (b) of this section, and the
131 printed information required to be made available pursuant to subsection (c) of this section shall
132 comply with the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C.
133 Official Code § 2-1931 *et seq.*).

134 (g) The Mayor shall assess a \$100 fine for each day an employer fails to meet the
135 requirements of this section.

136 Sec. 4. Mandatory Workplace Training

137 (a)(1) Each business owner or operator who employs an employee who is paid in
138 accordance with section 4(f) of the Minimum Wage Act Revision Act of 1992, effective March
139 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003(f)) shall attend, on a yearly basis, at
140 least one sexual harassment training and at least one training on the requirements under An Act
141 To provide for the payment and collection of wages in the District of Columbia, approved
142 August 3, 1956 (70 Stat. 976; D.C. Official Code §32-1301 *et seq.*).

143 (2) Each manager who is employed by an employer who employs an employee
144 who is paid in accordance with section 4(f) of the Minimum Wage Act Revision Act of 1992,

145 effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003(f)) shall attend either
146 in-person or completed online, on a yearly basis, at least one sexual harassment training and at
147 least one training on the requirements under An Act To provide for the payment and collection of
148 wages in the District of Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code
149 §32-1301 *et seq.*).

150 (c) Each employer who employs an employee who is paid in accordance with section
151 4(f) of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-
152 248 shall offer, at least once annually, his or her employees that opportunity to attend in-person
153 or to complete online at least one sexual harassment training and at least one training on the
154 requirements under An Act To provide for the payment and collection of wages in the District of
155 Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code §32-1301 *et seq.*).

156 (d) By December 31st of each year, each employer subject to the requirements of this
157 section shall provide certifications to the Department of Employment Services that all
158 requirements of this section have been fulfilled. The Department of Employment Services shall
159 make the certifications available to the Office of Human Rights.

160 Sec. 5. The Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C.
161 Law 9-248; DC Official Code § 32-1001 *et seq.*) is amended as follows:

162 (a) Section 9 (D.C. Official Code § 32-1008) is amended by adding a new subsection
163 (a-1) to read as follows:

164 “(a-1) An employer who employs an employee who is paid in accordance with
165 section 4(f) shall use a third-party payroll business to prepare the payroll for the employer.

166 (b) Section 10a (D.C. Official Code § 32-1009.01) is amended as follows:

167 (1) Subsection (a) is amended to read as follows:

168 “(a)(1) An employer’s third-party payroll company, required pursuant to section
169 9(a-1), shall submit to the Mayor a quarterly wage report within the 30 days of the end of the
170 quarter.

171 “(2) Each quarterly wage report prepared pursuant to this subsection shall
172 include and itemize the following information:

173 “(A) Name of each employee;

174 “(B) Number of hours each employee worked each week during
175 the quarter for which the report is being provided;

176 “(C) The total pay, including gratuities, received by each employee
177 each week during the quarter for which the report is being provided; and

178 “(D) Average weekly wage for each employee during the quarter
179 for which the report is being provided.”.

180 (2) Subsection (b) is amended as follows:

181 (A) Paragraph (2) is amended to read as follow:

182 “(2)(A) Quarterly wage reports prepared pursuant to this section shall be
183 submitted online.

184 “(B) The quarterly report may be in an electronic spreadsheet
185 format.

186 “(C) The electronic spreadsheet shall be able to be submitted
187 through the Internet-based portal without manual input by an individual of the information
188 provided in the electronic spreadsheet, to the extent practicable, or a paper copy of the electronic
189 spreadsheet may be submitted to the Department of Employment Services if so required by the
190 Department.”.

191 (B) Paragraph (3) is amended by striking the word “employers” and
192 inserting the phrase “a third-party payroll company”.

193 Sec. 6. Section 6(a-1) of An Act To provide for the payment and collection of wages in
194 the District of Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code §32-
195 1306(a-1)), is amended to read as follows:

196 “(a-1)(1) The Mayor shall establish a dedicated phone line for reporting of violations of

197 this act.

198 (2) The Mayor shall encourage reporting pursuant to this section by keeping
199 confidential, to the maximum extent permitted by applicable laws, the name and other
200 identifying information of the employee or other person reporting a violation during the course
201 of any investigation; provided, that with the authorization of such person, the Mayor may
202 disclose the employee or person's name and identifying information as necessary to conduct a
203 hearing and enforce this chapter or other employee protection laws, including the Living Wage
204 Act, the Minimum Wage Revision Act, or the Sick and Safe Leave Act.”.

205 Sec. 7. Fiscal impact statement.

206 The Council adopts the fiscal impact statement in the committee report as the fiscal
207 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
208 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

209 Sec. 8. Effective date.

210 This act shall take effect following approval by the Mayor (or in the event of veto by the
211 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
212 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
213 24, 1973 (87 Stat. 813; D.C. Official Code ' 1-206.02(c)(2)), and publication in the District of
214 Columbia Register.