

District of Columbia



LABOR LAW POSTINGS

District of Columbia Labor Law Postings

Thank you for using GovDocs! This file contains the following state postings:

Name of Posting	Posting Code	Posting Requirements	Agency Responsible
Workers' Compensation	LDC01	All employers	Office of Workers' Compensation
Minimum Wage	LDC02	All employers	Office of Wage-Hour
Human Rights Law (Equal Employment Opportunity)	LDC03	All employers	Office of Human Rights
Public Accommodations	LDC04	All public accommodations	Office of Human Rights
Unemployment Insurance	LDC05	All employers	Dept of Employment Services
Fair Housing Opportunity	LDC10	Recommended for businesses engaged in the sale or rental of real property	Office of Human Rights
Child Labor Law	LDC12	All employers of minors under 18	Office of Human Rights
No Smoking*	LDC14	Required for all nonexempt employers	Department of Health
Accrued Sick and Safe Leave Act of 2008	LDC16	All employers	Office of Wage-Hour
The Right to Breastfeed	LDC18	All employers	Office of Human Rights
Living Wage Act of 2006	LDC20	DC Contractors & recipients of government assistance	Dept of Employment Services
Wage Theft Act	LDC23	All employers	Dept of Employment Services
Protecting Pregnant Workers	LDC25	All employers	Office of Human Rights
Protecting Pregnant Workers (Spanish)	LDC26	All employers	Office of Human Rights

* Conspicuously post signs at the entrance of the building, inside each elevator, and inside the building in sufficient number to give notice to the public of the law.

To Print and Post:

This file is print ready, according to size requirements from the issuing agency. To ensure compliance, print all postings as provided. Postings requiring different paper size and/or color print are noted below as exceptions. Please note: In some cases, individual postings are set up to print on multiple pages.

- 1.) This file is formatted to print each of the postings listed above on 8.5"x11" paper.
- 2.) For multiple-page postings, we recommend taping the pages together before displaying.
- 3.) Review each posting and its requirements carefully to check for applicability to your business.
- 4.) Postings applicable to your business should be made accessible to all employees (common display locations include an employee lounge, a break room, or a cafeteria).

**DISTRICT OF COLUMBIA GOVERNMENT
DEPARTMENT OF EMPLOYMENT SERVICES
OFFICE OF WORKERS' COMPENSATION**

4058 MINNESOTA AVENUE, N.E. • WASHINGTON, DC 20019 • (202) 671-1000 • (202) 671-1929 (fax)

Warning: it is a crime to provide false or misleading information to an insurer for the purpose of defrauding the insurer or any other person. Penalties include imprisonment and/or fines. In addition, an insurer may deny insurance benefits if false information materially related to a claim was provided by the applicant.

NOTICE OF COMPLIANCE TO EMPLOYEES

1. You are required by law to report promptly to your employer and the Office of Workers' Compensation an occupational injury or disease, even if you deem it to be minor. Form No. 7 DCWC, Notice of Accidental Injury or Occupational Disease, to be obtained from the employer or the Office of Workers' Compensation, must be used for that purpose. After you have completed and signed it, you should mail it to the Office of Workers' Compensation at the above address, and to your employer.
2. You are entitled, if required, to the services of a physician or hospital of your choice and lost wages. Call (202) 671-1000 for information.
3. You may not sue your employer as a result of a work-connected injury or disease by reason of your exclusive remedy under the Workers' Compensation Law.
4. In order to preserve your right to benefits under the DC Workers' Compensation Law, you must file a written claim on Form No. 7A DCWC, Employee's Claim Application, within one (1) year after your injury, or within one (1) year after the last payment of benefits.
5. If you desire information regarding your rights and obligations prescribed by law, you may call your employer first. If you need further information you may call the Office of Workers' Compensation at (202) 671-1000.
6. The law gives you the right to be represented if you so desire.

TO EMPLOYERS

1. You are required to have Workers' Compensation insurance coverage if you have 1 or more employees.
2. You are required to display this poster at each worksite so that it will be of the greatest possible benefit to your employees.
3. You must file an Employer's First Report of Injury or Occupational Disease, Form No. 8 DCWC, with the Office of Workers' Compensation, copy to the nearest claim office of your insurer, on all occupational injuries or disease, as soon as possible, but no later than 10 days after the date of knowledge thereof.
4. Your employee must file Form No. 7 DCWC, Employee's Notice of Accidental Injury or Occupational Disease. Please provide your employee with Form No. 7 DCWC and direct them to complete it and return it to you and the Office of Workers' Compensation. Once you have received notice from the employee, you are required to send the employee a notice of his/her rights and obligations by certified mail, return receipt requested.
5. You are required to report to the Office of Workers' Compensation, and your insurer, any disability of more than 3 days which was not previously reported, as soon as possible, but no later than 10 days after the date of knowledge thereof.
6. You are required to furnish, or cause to be furnished, reasonable medical and hospital services, other remedial care or vocational rehabilitation, and various types of disability compensation, to an injured or disabled employee.
7. You are required to obtain from the insurer identified below a supply of all required Workers' Compensation Forms, or you may download the forms and notice mentioned above at our website <http://www.does.dc.gov>

NOTICE: Violation of the various provisions of the Workers' Compensation law provides for civil penalties.

The undersigned employer hereby gives notice of compliance with all provisions of the Workers' Compensation Law and Administrative Regulations

NAME OF INSURANCE COMPANY OF EMPLOYER

BY _____

NAME OF INSURANCE COMPANY

Employer ID Number

(If number unknown, employer to request from IRS)

**THIS NOTICE IS TO BE POSTED CONSPICUOUSLY IN
AND ABOUT EMPLOYER'S PLACE(S) OF BUSINESS**

DISTRICT OF COLUMBIA MINIMUM WAGE POSTER

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

MINIMUM WAGE RATES

\$9.50 per hour beginning July 1, 2014
\$10.50 per hour beginning July 1, 2015
\$11.50 per hour beginning July 1, 2016

(Beginning July 1, 2017, the District's minimum wage will be increased in proportion to the annual average increase in the Consumer Price Index for All Urban Consumers in the Washington Metropolitan Statistical Area for the preceding 12 months. Visit the Department of Employment Services website at www.does.dc.gov for yearly minimum wage rates.)

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 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 PAY

At least 1 ½ times the regular rate of pay for all hours worked over 40 hours in a workweek.

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; or
7. As a salesperson, parts salesperson, 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.

NOTE: "Car Wash Employee Overtime Amendment Act of 2012", effective May 31, 2012, removed the overtime exception for employees of a car wash. Car wash employees are entitled to overtime for all hours worked over a forty-hour workweek.

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, or visit www.dol.gov/whd/.

TIPPED EMPLOYEES

Employers must 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 difference.

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 (4) hours or less of work, a maximum of one (1) meal deduction is allowed. For over four (4) hours of work, a maximum of two (2) 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

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 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 (7) 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.

LIVING WAGE ACT OF 2006: Recipients of contracts or government assistance shall pay affiliated employees no less than the current "Living Wage" rate per hour. The Department of Employment Services may adjust the living wage annually. Contact the Office of Wage and Hour on (202) 671-1880 for the current Living Wage rate.

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 a combination of wages and benefits, that are not less than the combined amount of the minimum wage and fringe benefit rate for the guard 1 classification established by the 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.)

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 as follows:

If an employer has...	Employees accrue at least...	Not to exceed...
100 or more employees	1 hour per 37 hours worked	7 days per calendar year
25 to 99 employees, and tipped employees working in restaurants and bars regardless of employee count	1 hour per 43 hours worked	5 days per calendar year
Less than 25 employees	1 hour per 87 hours worked	3 days per calendar year



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

Department of Employment Services
Office of Wage and Hour
4058 Minnesota Avenue, N.E.
Washington, D.C. 20019
(202) 671-1880
www.does.dc.gov

LDC02/2



EQUAL EMPLOYMENT OPPORTUNITY

- Know Your Rights in the District of Columbia -

DC Human Rights Act

In accordance with the District of Columbia Human Rights Act of 1977, as amended, the District of Columbia and employers cannot discriminate on the basis of (actual or perceived):*

- | | | |
|-----------------------------|---------------------------------|---------------------------|
| • Race | • Age | • Family Responsibilities |
| • Color | • Marital Status | • Matriculation |
| • Sex (including pregnancy) | • Personal Appearance | • Political Affiliation |
| • National Origin | • Sexual Orientation | • Genetic Information |
| • Religion | • Gender Identity or Expression | • Disability |

Sexual harassment and harassment based on other protected categories is prohibited by the Act.

If you believe a violation of the Act has occurred, you can file a complaint with the District of Columbia Office of Human Rights. The process is free and does not require an attorney. Damages can be awarded if it is determined that a violation of the Act did occur.

DC Family and Medical Leave Act

The DC Family and Medical Leave Act of 1990 requires all employers with 20 or more employees to provide up to 16 weeks of unpaid family leave:

- for the birth of a child, an adoption or foster care; or
- to care for a seriously ill family member.

It also allows up to 16 weeks of unpaid medical leave:

- to recover from a serious illness that left the employee unable to work for a total of 32 weeks during a 24 month period.

During the period of leave, an employee should not lose benefits such as seniority or group health plan coverage.

The employer may require medical certification and reasonable prior notice when applicable.

The Act applies to employees who have worked for the employer for one year without a break in service and have worked at least 1000 hours during the last 12 months.

DC Parental Leave Act

In accordance with the DC Parental Leave Act of 1994, an employee who is a parent shall be entitled to a total of 24 hours leave** during any 12 month period to attend or participate in school-related events for his or her child.

A parent is defined as the:

- biological mother or father of a child;
- person who has legal custody of a child;
- person who acts as a guardian of a child;
- aunt, uncle, or grandparent of a child; or is
- a person married to a person listed above.

A school-related event means an activity sponsored either by a school or an associated organization.

Any employee shall notify the employer of the desire to leave at least 10 calendar days prior to the event, unless the need to attend the school-related event cannot be reasonably foreseen.

Filing a Complaint of a Violation

To file a complaint about a violation of these laws with the Office of Human Rights, visit:

- **Online** at ohr.dc.gov; or
- **In-Person** at 441 4th Street NW, Suite 570N, Washington, DC 20001.

Questions can also be answered by phone at (202) 727-4559.

* Additional categories protected from discrimination but not in the area of employment include: familial status, source of income, place of residence or business, and status as a victim of an intrafamily offense.

** Leave is unpaid unless the parent elects to use any paid family, vacation, personal or compensatory leave provided by the employer.



DISTRICT OF COLUMBIA

PUBLIC ACCOMMODATIONS

NOTICE OF NON-DISCRIMINATION

In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code Section 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of actual or perceived:

Race

Color

Sex (Gender or sexual harassment)

National Origin

Religion

Age

Marital Status

Personal Appearance

Sexual Orientation

Gender Identity or Expression

Familial Status

Family Responsibilities

Matriculation

Political Affiliation

Genetic Information

Disability

Source of Income

Place of Residence or Business

Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The D.C. Human Rights Act of 1977, Section 2-1402.31(a) of the D.C. Code, prohibits acts performed wholly or partially for a discriminatory reason:

“To deny, directly or indirectly, any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation...”

These prohibitions also apply to the denial of credit or insurance.

COMPLAINTS OF POSSIBLE VIOLATIONS OF THIS LAW MAY BE FILED WITH:

Government of the District of Columbia

Office of Human Rights

441 4th Street, N.W., 570N

Washington, D.C. 20001

Telephone (202) 727-4559 • Fax (202) 727-9589

www.ohr.dc.gov

Vincent C. Gray, Mayor



NOTICE TO EMPLOYEES

Information on Unemployment Compensation in the District of Columbia

Your employer is subject to the District of Columbia Unemployment Compensation Act which establishes a system of protecting insured workers from complete wage loss when they become unemployed through no fault of their own and are seeking new jobs. To help finance the unemployment insurance system, a tax is levied against employers -- not workers. No deductions are made from your pay for this purpose. This program is administered by the District of Columbia's Department of Employment Services.

If you should become unemployed or your hours are reduced, you may be entitled to receive unemployment compensation benefits. To apply for benefits, please call and make an appointment to visit one of the American Job Centers listed below.

American Job Center – Headquarters 4058 Minnesota Avenue, N.E. Washington, DC 20019 (202) 724-2337	American Job Center – Northeast CCDC - Bertie Backus Campus 5171 South Dakota Avenue, N.E., 2nd Floor Washington, DC 20017 (202) 576-3092
American Job Center – Northwest Frank D. Reeves Municipal Center 2000 14th Street, N.W., 3rd Floor Washington, DC 20009 (202) 442-4577	American Job Center – Southeast 3720 Martin Luther King, Jr. Avenue, S.E. Washington, DC 20032 (202) 741-7747
American Job Centers Hours of Operation: Monday - Thursday 8:30 a.m. - 4:30 p.m. Friday 9:30 a.m. - 4:30 p.m.	

You may also apply for benefits through the Internet at www.dcnetworks.org

IMPORTANT: Employers must display this Notice To Employees prominently on the work premises. Additional copies may be furnished upon request by calling (202) 698-7550.





DISTRICT OF COLUMBIA

FAIR HOUSING LAW

In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code Section 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of actual or perceived:

Race

Color

Sex (Gender or sexual harassment)

National Origin

Religion

Age

Marital Status

Personal Appearance

Sexual Orientation

Gender Identity or Expression

Familial Status

Family Responsibilities

Matriculation

Political Affiliation

Disability

Source of Income

Place of Residence or Business

**Victim of an Intra-Family Offense
(Domestic violence)**

Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

It is unlawful for any person to practice discrimination in the rental or sale of housing accommodations and commercial space in the District of Columbia on the basis of the above categories.

The D.C. Human Rights Act of 1977, Section 2-1402.21 of the D.C. Code, prohibits acts performed wholly or partially for a discriminatory reason:

“To interrupt, or terminate, or refuse, or fail to initiate or conduct any transaction in real property; or to require different terms for such transaction; or to represent falsely that an interest in real property is not available for transaction;...”

Similar prohibitions apply to “blockbusting,” “steering,” and financing.

COMPLAINTS OF POSSIBLE VIOLATIONS OF THIS LAW MAY BE FILED WITH:

Government of the District of Columbia

Office of Human Rights

441 4th Street, N.W., 570N

Washington, D.C. 20001

Telephone (202) 727-4559 • Fax (202) 727-9589

www.ohr.dc.gov

Vincent C. Gray, Mayor

NOTICE

PROVISIONS OF THE 1928 CHILD LABOR LAW

D.C. PUBLIC SCHOOLS D.C. Code, Chapter 2 -Employment of Minors, Sect. 32-201 to 32-224

AGE REGULATIONS

No minor under 14 years of age shall be employed or permitted to work in any gainful occupation with the exception that minors 10 years and older may be employed outside of school hours in the distribution and sale of newspapers. (Section 32-201)

No minor under 16 years of age shall be employed at any of the following occupations: (1) In the operation of any machinery operated by power other than hand or foot power; (2) In oiling, wiping, or cleaning machinery or assisting therein. (Section 32-204)

No minor under 18 years of age shall be employed: (1) At operating any freight or non-automatic elevator; (2) in any quarry, tunnel, or excavation. (Section 32-205)

No minor under 16 years of age shall be employed in the stuffing of newspapers, nor shall the work of any minor 16 or 17 years of age employed as a newspaper inserter exceed 40 hours in any one week, nor shall they be so employed on more than one night in any one week. (Section 32-215)

No minor shall be employed, permitted or suffered to work in any place of employment, or at any employment, dangerous or prejudicial to the life, health, safety or welfare of such minor. The Board of Education shall have the power, jurisdiction and authority, after hearing duly held, to issue general or special orders prohibiting the employment of minors in any employment or at any place found to be dangerous or prejudicial to the life, health, safety or welfare of the minor. (Section 32-203)

No minor under the age of 18 may be employed in any establishment where alcoholic beverages are served or sold on the premises. (Board of Education Ruling, by authority of (Section 32-203))

No minor under the age of 18 may be employed in any occupation found to be hazardous, or detrimental to their health and well-being, under the authority of the Fair Labor Standards Act. (Section 32-203)

Minors under the age of 18 who are employed in any professional theatrical production, musical, dance recital, concert, motion picture, television, radio or in a professional sports activity or circus must obtain a theatrical employment permit. (Section 32-206)

HOOR STANDARDS

No minor under 18 years of age shall be employed in connection with any gainful occupation more than 6 consecutive days in any one week, or more than 48 hours in any one week or more than 8 hours in any one day. No minor 16 or 17 years of age shall be employed, permitted, or suffered to work before 6:00 a.m. or after 10:00 p.m. of any day.(Section 32-202)

No minor under the age of 16 shall be employed before 7:00 AM or after 7:00 PM on any day except during the summer (June 1st through Labor Day) when they may work until 9:00 PM. (Section 32-202)

WORK PERMIT REQUIREMENTS

No minor under the age of 18 shall be employed in any gainful occupation unless the employer has obtained a Work Permit, or Vacation Permit. This permit must be kept on file and accessible to any person authorized to enforce this Act. (Section 32-207)

No permit shall be valid except for the named minor and for the specific employer and occupation designated. (Section 32-208)

PENALTIES

Whoever employs any minor in violation of any of the provisions of the D.C. Child Labor Law or any order issued under the act, shall be subject to prosecution. (Section 32-224)

(This Notice Must Be Posted Conspicuously In Any Workplace Where Minors Are Employed)



NO SMOKING

**UNDER PENALTY OF LAW
MAXIMUM FINE \$1,000**

**To File A Complaint Please Call
(202) 671-5000**

"Smoking causes lung cancer, heart disease, emphysema, and may cause fetal injury, premature birth, and low birth weight in pregnant women."

- D.C. Official Code DC ST § 7-1704

OFFICIAL NOTICE

(Post Where Employees Can Easily Read)

ACCRUED SICK AND SAFE LEAVE ACT OF 2008

(This poster includes provisions of the Earned Sick and Safe Leave Amendment Act of 2013, effective February 22, 2014)
REQUIRES EMPLOYERS IN THE DISTRICT OF COLUMBIA TO PROVIDE PAID LEAVE TO EMPLOYEES FOR THEIR OWN OR FAMILY MEMBERS' ILLNESSES OR MEDICAL APPOINTMENTS AND FOR ABSENCES ASSOCIATED WITH DOMESTIC VIOLENCE OR SEXUAL ABUSE.

EMPLOYERS REQUIRED TO COMPLY WITH THE ACT

Pursuant to the Accrued Sick and Safe Leave Act of 2008, all employers in the District of Columbia must provide paid leave to each employee, including employees of restaurants and bars and temporary and parttime employees.

ACCRUAL START DATE

Paid leave accrues at the beginning of employment, provided that the accrual need not commence prior to November 13, 2008 and provided that an employer need not allow accrual of paid leave for tipped restaurant or bar employees prior to February 22, 2014.

Paid leave accrues on an employer's established pay period.

ACCESSING PAID LEAVE

An employee must be allowed to use paid leave no later than after 90 days of service with the employer. An employee may use leave on short notice if the reason for leave is unforeseeable.

NUMBER OF HOURS ACCRUED

Accrual of paid leave is determined by the type of business, the number of employees an employer has, and the number of hours an employee works. For tipped employees of restaurants or bars, regardless of the number of employees the employer has, each tipped employee must accrue at least one (1) hour per 43 hours worked, up to five (5) days per calendar year. For all other employers, use the following chart:

If an employer has...	Employees accrue ...	Not to Exceed...
100 or more employees	1 hour per 37 hours worked	7 days per calendar year
25 to 99 employees	1 hour per 43 hours worked	5 days per calendar year
Less than 25 employees	1 hour per 87 hours worked	3 days per calendar year

UNUSED LEAVE

Under this Act, an employee's accrued paid sick leave carries over from year to year. Employers do not have to pay employees for unused paid sick leave upon termination or resignation of employment.

EMPLOYEE PROTECTION

Under the Act, employees who assert their rights to receive paid sick leave or provide information or assistance to help enforce the Act are protected from retaliation.

ENFORCEMENT

The DC Department of Employment Services, Office of Wage and Hour can investigate possible violations, access employer records, enforce the paid sick leave requirements, order reinstatement of employees who are terminated, as a result of asserting rights to paid sick leave, order payment of paid sick leave unlawfully withheld, and impose penalties.

An employer who willfully violates the requirements of the Act shall be assessed a civil penalty in the amount of one thousand dollars (\$1,000) for the first offense, fifteen hundred dollars (\$1,500) for the second offense, and two thousand dollars (\$2,000) for the third and any subsequent offenses.

TO FILE A COMPLAINT OR FOR ADDITIONAL INFORMATION

To request full text of the Act, to obtain a copy of the rules associated with this Act, to receive the Act translated into other languages, or to file a complaint, visit www.does.dc.gov, call the Office of Wage and Hour at (202) 671-1880, or visit at 4058 Minnesota Avenue, N.E., Suite 4300, Washington, D.C. 20019. Complaints shall be filed within three (3) years after the event on which the complaint is based unless the employer has failed to post notice of the Act.

OHR WORKPLACE POSTERS:

The Right to Breastfeed



Under the District of Columbia Human Rights Act of 1977, as amended,

- : A woman has a right to breastfeed her child in any location, public or private, where she has the right to be with her child, without respect to whether the mother's breast or any part of it is uncovered during or incidental to the breastfeeding of her child.
- : An employer must provide reasonable daily unpaid break-time, as required by an employee so she may express breast milk for her child to maintain milk supply and comfort.
- : The break-time for expression of milk, if possible, may run concurrently with any break-time, paid or unpaid, already provided to the employee.
- : An employer is not required to provide break-time if it would create an undue hardship on the operations of the employer.
- : An employer shall make reasonable efforts to provide a sanitary room or other location in close proximity to the work area, other than a bathroom or toilet stall, where an employee can express her breast milk in privacy and security.
- : The employer must create a policy for breastfeeding mothers and must post and maintain a poster in a conspicuous place that sets forth these requirements.
- : The employee must file within one (1) year of the occurrence or discovery of the violation of the Act. An employee of the District of Columbia government must file within 180 days of the occurrence or discovery of the violation.
- : If the employee feels as if she is being discriminated against under the Act, she may contact:

THE DISTRICT OF COLUMBIA OFFICE OF HUMAN RIGHTS

441 4th Street, NW : Suite 570 North : Washington, DC 20001
[202] 727 / 4559 or ohr.dc.gov

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

MURIEL BOWSER
MAYOR



DEBORAH A. CARROLL
DIRECTOR

November 19, 2015

Dear Employer:

Pursuant to the District of Columbia Living Wage Act of 2006, Title I of D.C. Law 16-118, D.C. Official Code § 2-220.01-.11), effective January 1, 2016, the living wage rate in the District of Columbia is **\$13.84**.

The Living Wage Rate determines the pay rate employers receiving economic development assistance or funding from the District must offer workers. The rate is reviewed annually and can be adjusted in proportion to the annual average increase in the Consumer Price Index for all Urban Consumers in the Washington Metropolitan Statistical Area published by the Bureau of Labor Statistics, U.S. Department of Labor. Based on the review, workers will receive an increase equal to \$.04 of the current living wage rate.

The Department of Employment Services/Office of Wage and Hour looks forward to continuing to provide quality service to all employers. Should you have any questions, please contact Mohammad R. Sheikh, Deputy Director for the Labor Standards Bureau, at 202-671-1555 or by e-mail at mohammad.sheikh@dc.gov.

Sincerely,

Deborah A. Carroll
Director

NOTICE
DISTRICT OF COLUMBIA
DEPARTMENT OF EMPLOYMENT SERVICES
Labor Standards Bureau
Office of Wage-Hour

The Wage Theft Prevention Amendment Act of 2014

The Wage Theft Prevention Amendment Act of 2014 (WTPAA) has an effective date of February 26, 2015. The law includes provisions to enhance applicable remedies, fines, and administrative penalties when an employer fails to pay earned wages, to provide for suspension of business licenses of employers that are delinquent in paying wage judgments or agreements, to clarify administrative procedures and legal standards for adjudicating wage disputes, to require the employer to provide written notice to each employee of the terms of their employment, and to maintain appropriate employment records.

Requirements

Written Employment Notice:

As an employer of the District of Columbia, upon hire, you are required to provide a notice to employees of their employment. Also, within 90 days of the effective date of WTPAA, every employer shall furnish each employee with an updated written notice containing the information required. As proof of compliance, every employer shall retain copies of the written notice furnished to employees that are signed and dated by the employer and by the employee acknowledging receipt of the notice. *(There are additional requirements for temporary staffing firms.)*

This notice must include:

- 1) The name of the employer and any “doing business as” (DBA) names used by the employer
- 2) The physical address of the employer’s main office or principal place of business, and a mailing address if different
- 3) The telephone number of the employer
- 4) The employee’s rate of pay and the basis of that rate, including:
 - a. Rate by the hour, shift , day , or week (whichever is applicable)
 - b. Salary, Piece Rate, or commission (whichever is applicable)
 - c. Any allowances claimed as part of the minimum wage, including tip, meal, or lodging allowances
 - d. Overtime rate of pay or exemptions from overtime pay
 - e. Living wage or exemptions from the living wage
 - f. Any applicable prevailing wages
- 5) The employee’s regular payday designated by the employer

The Mayor shall make available for employers a sample template of the notice within 60 days of the effective date of the Wage Theft Prevention Amendment Act of 2014. **(Immediate Notice to new employees is required regardless of the template release date.)**

Wage Payment Liability:

- When the employer is a subcontractor and has failed to pay an employee any wages earned, the subcontractor and the general contractor shall be jointly and severally liable to the subcontractor’s employees for violations of this Act, the Living Wage Act, and the Accrued Sick and Safe Leave Act.
- When a temporary staffing firm employs an employee who performs work on behalf of or to the benefit of another employer pursuant to a temporary staffing arrangement or contract for services, both the temporary staffing firm and the employer shall be jointly and severally liable

for violations of this Act, the Living Wage Act, and the Accrued Sick and Safe Leave Act to the employee and to the District.

- Every employer shall pay wages earned to his employees on regular paydays designated in advance by the employer and at least twice during each calendar month.

Notice of Complaint

For any employer alleged to be in non-compliance with the Act, The Mayor shall deliver two (2) notices to the employer.

1. Notice of Complaint that specifies:
 - a. The alleged violation
 - b. Potential damages, penalties, and other cost
 - c. Rights and obligations of the parties
 - d. Process for contesting the complaint
2. Notice of Investigation that must be posted for all employees to see for a period of at least 30 days that specifies:
 - a. An investigation is being conducted
 - b. Information for employees on how they may participate

Rules against Retaliation

The WTPAA extends the protection and it also gives the Mayor power to enforce this law.

- Threats are now included as a form of retaliation.
- It is illegal for any person to retaliate.
- This law protects employees even if their employer incorrectly believes they made a complaint.

Procedural Options

- Wage-Hour Investigation
- Administrative Law Judge Hearing
- Civil Court Proceedings

Potential Penalties

Wage Payment Penalties, D.C. Official Code § 32-1307; D.C. Official Code § 32-1307(a) Section 7a – Wage Theft Prevention Fund

- Any employer who negligently fails to comply with the provisions of this Act or the Living Wage Act shall be guilty of a misdemeanor and, upon conviction, shall be fined:
 - For the first offense, an amount per affected employee of not more than \$2,500; for any subsequent offense, an amount per affected employee of not more than \$5,000.
- Any employer who willfully fails to comply with the provisions of this Act or the Living Wage Act shall be guilty of a misdemeanor and, upon conviction, shall be fined:
 - For the first offense, an amount not more than \$5,000 or imprisoned not more than 30 days, or both; for any subsequent offense, an amount not more than \$10,000, or imprisoned not more than 90 days, or both.

In addition to and apart from any other penalties or remedies provided for in this Act or the Living Wage Act, the Mayor shall assess and collect administrative penalties as follows:

- For the first offense, \$50 for each employee or person whose rights under this Act or the Living Wage Act are violated for each day the violation occurred or continued.
- For any subsequent offense, \$100 for each employee or person whose rights under this Act or the Living Wage Act are violated for each day the violation occurred or continued.

The Mayor shall collect administrative penalties in the amounts set forth below for the following violations:

- Five hundred dollars for failure to provide notice of investigation to employees

- Five hundred dollars for failure to post notice of violations to the public

Accrued Sick and Safe Leave Act or the Minimum Wage Revision Act.

- No administrative penalty may be collected unless the Mayor has provided any person alleged to have violated any of the provisions of this section notification of the violation, notification of the amount of the administrative penalty to be imposed, and an opportunity to request a formal hearing held pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat 1203, D.C. Official Code § 2-501 et seq).
- The Mayor shall issue a final order following the hearing, containing a finding that a violation has or has not occurred. If a hearing is not requested, the person to whom notification of violation was provided shall transmit to the Mayor the amount of the penalty within 15 days following notification.

There is established as a special fund the Wage Theft Prevention Fund (“Fund”), which shall be administered by the Department of Employment Services. The Fund shall be used to enforce the provisions of this Act, the Minimum Wage Revision Act, the Accrued Sick and Safe Leave Act, and the Living Wage Act. The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

Minimum Wage Penalties D.C. Official Code § 32-1011

- Any person who willfully or negligently violates any of the provisions of §32-1010 shall, upon conviction, be subject to a fine of not more than \$10,000, or to imprisonment of not more than six (6) months, or both.
- No person shall be imprisoned under this section except for an offense committed willfully after the conviction of that person for a prior offense under this section.
- Prosecutions for violations of this subchapter shall be in the Superior Court of the District of Columbia and shall be conducted by the Attorney General of the District of Columbia.
- In addition to and apart from the penalties or remedies provided for in this section, the Mayor shall assess and collect administrative penalties as follows:
 1. For the first violation, \$50 for each employee or person whose rights under this Act are violated for each day that the violation occurred or continued;
 2. For any subsequent violations, \$100 for each employee or person whose rights under this Act are violated for each day that the violation occurred or continued;
 3. \$500 for each failure to maintain payroll records or to retain payroll records for three (3) years or whatever the prevailing federal standard is, whichever is greater for each violation;
 4. \$500 for each failure to allow the Mayor to inspect payroll records or perform any other investigation;
 5. \$500 for each failure to provide each employee an itemized wage statement or the written notice as required by section 9(b) and (c); and
 6. \$100 for each day that the employer fails to post notice as required under section 10(a).

ASSLA Penalties D.C. Official Code § 32-131.12

An employer who willfully violates the requirements of this Act shall be subject to a civil penalty for each affected employee of \$1,000 for the 1st offense, \$1,500 for the 2nd offense, and \$2,000 for the 3rd and each subsequent offense. If the Mayor determines that an employer has violated any provision of this Act, the Mayor shall order the employer to provide affirmative remedies including: compensatory damages, punitive damages, and additional damages as provided in the law. The administrative fines and penalties collected under this section shall be deposited in the Wage Theft Prevention Fund.

For the complete text of the Wage Theft Prevention Amendment Act of 2014, go to <http://lims.dccouncil.us/Download/31203/B20-0671-SignedAct.pdf>.

Protecting Pregnant Workers Fairness Act

- Know Your Rights in the District of Columbia -



Accommodations for Pregnancy, Childbirth and Breastfeeding

The Protecting Pregnant Workers Fairness Act (PPW) requires District of Columbia employers to provide reasonable workplace accommodations for employees whose ability to perform job duties is limited because of pregnancy, childbirth, breastfeeding, or a related medical condition.

The employer must engage in good faith and in a timely and interactive process to determine the accommodations.

Types of Accommodations

Employers must make all reasonable accommodations,* including but not limited to:

- More frequent or longer breaks;
- Time off to recover from childbirth;
- Temporarily transferring the employee to a less strenuous or hazardous position;
- Purchasing or modifying work equipment, such as chairs;
- Temporarily restructuring the employee's position to provide light duty or a modified work schedule;
- Having the employee refrain from heavy lifting;
- Relocating the employee's work area; or
- Providing private (non-bathroom) space for expressing breast milk.

Prohibited Actions by Employers

Employers may not:

- Refuse an accommodation unless it would cause significant hardship or expense to the business;
- Take adverse action against an employee for requesting an accommodation;
- Deny employment opportunities to the employee because of the request or need for an accommodation;
- Require an employee to take leave if a reasonable accommodation can be provided; or
- Require employees to accept an accommodation unless it's necessary for the employee to perform her job duties

Certification from Health Care Provider

The employer may require an employee to provide certification from a health care provider indicating a reasonable accommodation is advisable. The certification must include: (1) the date the accommodation became or will become medically advisable; (2) an explanation of the medical condition and need for a reasonable accommodation; and (3) the probable length of time the accommodation should be provided.

Filing a Complaint of a Violation

If you believe an employer has wrongfully denied you a reasonable accommodation or has discriminated against you because of your pregnancy, childbirth, need to breastfeed or a related medical condition, you can file a complaint within one year with the DC Office of Human Rights (OHR). To file a complaint, visit:

- Online at ohr.dc.gov; or
- In-Person at 441 4th Street NW, Suite 570N, Washington, DC 20001.

A case can also be initiated through the Department of Employment Services (DOES) Office of Wage and Hour Compliance by calling (202) 671-1880. All cases must be filed and investigated by OHR. Once OHR issues a decision, a DOES administrative law judge will decide if a violation of the statute occurred. The DOES decision may be appealed to the DC Office of Administrative Hearings.

* A "reasonable accommodation" is one that does not require significant difficulty in the operation of the employer's business or significant expense for the employer, with consideration to factors such as the size of the business, its financial resources and the nature and structure of the business.

Ley de Protección de la Equidad para las Trabajadoras Embarazadas

- Conozca sus derechos en el Distrito de Columbia -



Adaptaciones para el embarazo, el parto y la lactancia

La ley de Protección de la Equidad para las Trabajadoras Embarazadas (PPW, por sus siglas en inglés) exige que los empleadores del Distrito de Columbia proporcionen adaptaciones razonables en el trabajo para las empleadas cuya capacidad de desempeñar sus labores en el trabajo se vea limitada por motivo de un embarazo, el parto, la lactancia o una afección relacionada.

El empleador debe participar de buena fe en un proceso oportuno e interactivo para determinar dichas adaptaciones.

Tipos de adaptaciones

Los empleadores deben realizar toda adaptación razonable,* incluyendo, pero sin limitarse a:

- descansos más frecuentes o más prolongados;
- permiso para ausentarse y recuperarse del parto;
- transferir temporalmente a la empleada a un puesto menos extenuante o peligroso;
- adquirir o modificar equipo de trabajo, tal como las sillas;
- reestructurar temporalmente el puesto de la empleada para asignarle labores ligeras o un horario de trabajo modificado;
- hacer que la empleada se abstenga de levantar cosas pesadas;
- reubicar el área de trabajo de la empleada; u
- ofrecer un espacio privado (que no sea el baño) para sacarse la leche materna.

Actos que tienen prohibido realizar los empleadores

Los empleadores no pueden:

- denegar una adaptación, a menos que ocasione dificultades o gastos significativos para el negocio;
- tomar medidas en contra de una empleada por solicitar una adaptación;
- denegarle oportunidades laborales a la empleada por solicitar o necesitar una adaptación;
- exigirle a una empleada que se ausente con permiso si se puede proporcionar una adaptación razonable; ni
- exigirles a las empleadas aceptar una adaptación, a menos que sea necesaria para que cumpla con sus deberes en el trabajo

Constancia de un prestador de servicios de salud

El empleador puede exigir que la empleada proporcione la constancia de un prestador de servicios de salud indicando que se recomienda hacer una adaptación razonable. La constancia debe incluir: 1) la fecha en que la adaptación se hizo o se hará médicamente recomendable; 2) una explicación de la afección y de la necesidad de recibir una adaptación razonable; y 3) la duración probable por la cual deberá proporcionarse la adaptación.

Cómo presentar una queja por alguna Violación a esta Ley

Si cree que un empleador le ha negado injustamente una adaptación razonable o que la ha discriminado debido a su embarazo, al parto, a la necesidad de amamantar o a una afección médica relacionada, usted tiene un año para presentar una queja ante la Oficina de Derechos Humanos del Distrito de Columbia (OHR, por sus siglas en inglés). Para presentar una queja, visite:

- **en línea**, ohr.dc.gov; o
- **en persona**, el 441 de la calle 4 noroeste, oficina 570N, en Washington, DC 20001.

También puede abrirse un caso a través de la Oficina de Cumplimiento de Salarios y Horarios Laborales del Departamento de Servicios de Empleo (DOES, por sus siglas en inglés) llamando al (202) 671-1880. La OHR debe entablar e investigar todos los casos. Una vez que la OHR llegue a una decisión, un juez contencioso-administrativo del DOES decidirá si se contravino la ley o no. La decisión del DOES puede apelarse ante la Oficina de Audiencias Administrativas del Distrito de Columbia.

* Una "adaptación razonable" es aquella que no ocasiona gastos considerables ni dificultades significativas para el funcionamiento de la empresa del empleador, teniendo en consideración factores tales como el tamaño de la empresa y sus recursos financieros, así como su naturaleza y estructura.