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4 Chairman Phil Mendelson at  
5 the request of the Mayor  
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9 A BILL  
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13 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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17 To amend, on a temporary basis, the Wage Theft Prevention Amendment Act of 2014 to clarify  
18 when certain provisions shall take effect, who may bring an action on behalf of an  
19 employee, amend criminal penalties, clarify when amounts in a special fund may be used,  
20 authorize the Mayor to issue rules, and clarify how the Mayor shall make certain  
21 information available to employers.  
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23 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
24 act may be cited as the “Wage Theft Prevention Correction and Clarification Temporary  
25 Amendment Act of 2014”.

26 Sec. 2. The Wage Theft Prevention Amendment Act of 2014, enacted on September 19,  
27 2014 (D.C. Act 20-426; 61 DCR 10157), is amended as follows:

28 (a) Section 2 is amended as follows:

29 (1) Subsection (b)(2) is amended as follows:

30 (A) Strike the phrase “(5) When the employer is a subcontractor alleged to  
31 have failed to pay an employee any wages earned, the subcontractor and the general contractor  
32 shall be jointly and severally liable to the subcontractor’s employees for violations of this act, the  
33 Living Wage Act, and the Sick and Safe Leave Act.” and insert the phrase “(5) When the

34 employer is a subcontractor found to have failed to pay an employee any wages earned, the  
35 subcontractor and the general contractor shall be jointly and severally liable to the  
36 subcontractor's employees for violations of this act, the Living Wage Act, and the Sick and Safe  
37 Leave Act, except as otherwise provided in a contract between the contractor and subcontractor  
38 in effect on the effective date of the Wage Theft Prevention Amendment Act of 2014, enacted on  
39 September 19, 2014 (D.C. Act 20-426; 61 DCR 10157)." in its place.

40 (B) Strike the phrase "(6) When a temporary staffing firm employs an  
41 employee who performs work on behalf of or to the benefit of another employer pursuant to a  
42 temporary staffing arrangement or contract for services, both the temporary staffing firm and the  
43 employer shall be jointly and severally liable for violations of this act, the Living Wage Act, and  
44 the Sick and Safe Leave Act to the employee and to the District." and insert the phrase "(6)  
45 When a temporary staffing firm employs an employee who performs work on behalf of or to the  
46 benefit of another employer pursuant to a temporary staffing arrangement or contract for  
47 services, both the temporary staffing firm and the employer shall be jointly and severally liable  
48 for violations of this act, the Living Wage Act, and the Sick and Safe Leave Act to the employee  
49 and to the District, except as otherwise provided in a contract between the temporary staffing  
50 firm and the employer in effect on the effective date of the Wage Theft Prevention Amendment  
51 Act of 2014, enacted on September 19, 2014 (D.C. Act 20-426; 61 DCR 10157)." in its place.

52 (2) Subsection (e)(1) is amended to read as follows:

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

54           “(a)(1) Any employer who negligently fails to comply with the provisions of this act or  
55 the Living Wage Act shall be guilty of a misdemeanor and, upon conviction, shall be fined:

56                       “(A) For the first offense, an amount per affected employee of not more  
57 than \$2,500;

58                       “(B) For any subsequent offense, an amount per affected employee of not  
59 more than \$ 5,000.

60           “(2) Any employer who willfully fails to comply with the provisions of this act  
61 or the Living Wage Act shall be guilty of a misdemeanor and, upon conviction, shall:

62                       “(A) For the first offense, be fined not more than \$5,000, or imprisoned  
63 not more than 30 days, or both; or

64                       “(B) For any subsequent offense, be fined not more than \$10,000, or  
65 imprisoned not more than 90 days, or both.

66           “(3) The fines set forth in paragraphs (1) and (2) of this section shall not be  
67 limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective  
68 June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01).”.

69           (4) Subsection (g) is amended by striking “or any entity a member of which is  
70 aggrieved by a violation of this act, the Minimum Wage Revision Act, the Sick and Safe Leave  
71 Act, or the Living Wage Act”.

72           (5) A new subsection (j) added to read as follows:

73                       “(j) A new section 10b is added to read as follows:

74                       “Sec. 10b. Rules.

75           “The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure  
76 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue  
77 rules to implement the provisions of this act.”.

78           (b) Section 3 is amended as follows:

79                   (1) Subsection (c)(1)(A) is amended by striking the phrase “or whatever the  
80 prevailing federal standard is” and inserting “or the prevailing federal standard, if identified in  
81 regulations issued pursuant to this act,” in its place.

82                   (2) Subsection (e)(3) is amended to read as follows:

83                           “(3) A new subsection (c) is added to read as follows:

84                           “(c) The Mayor shall make copies or summaries of this act publicly available on the  
85 District government’s website or some other appropriate method within 60 days of the effective  
86 date of the Wage Theft Prevention Amendment Act of 2014, enacted on September 19, 2014  
87 (D.C. Act 20-426; 61 DCR 10157). An employer shall not be liable for failure to post notice if  
88 the Mayor has failed to provide to the employer the notice required by this section.”.

89                   (3) Subsection (i) is amended as follows:

90                           (A) Strike the phrase “(c) When the employer is a subcontractor alleged to  
91 have failed to pay an employee any wages earned, the subcontractor and the general contractor  
92 shall be jointly and severally liable to the subcontractor’s employees for violations of this act.”  
93 and insert the phrase “(c) When the employer is a subcontractor found to have failed to pay an  
94 employee any wages earned, the subcontractor and the general contractor shall be jointly and  
95 severally liable to the subcontractor’s employees for violations of this act, except as otherwise  
96 provided in a contract between the contractor and subcontractor in effect on the effective date of

97 the Wage Theft Prevention Amendment Act of 2014, enacted on September 19, 2014 (D.C. Act  
98 20-426; 61 DCR 10157).”.

99 (B) Strike the phrase “(f) When a temporary staffing firm employs an  
100 employee who performs work on behalf of or to the benefit of another employer pursuant to a  
101 temporary staffing arrangement or contract for services, both the temporary staffing firm and the  
102 employer shall be jointly and severally liable for violations of this act to the employee and to the  
103 District.” and insert the phrase “(f) When a temporary staffing firm employs an employee who  
104 performs work on behalf of or to the benefit of another employer pursuant to a temporary  
105 staffing arrangement or contract for services, both the temporary staffing firm and the employer  
106 shall be jointly and severally liable for violations of this act to the employee and to the District,  
107 except as otherwise provided in a contract between the temporary staffing firm and the employer  
108 in effect on the effective date of the Wage Theft Prevention Amendment Act of 2014, enacted on  
109 September 19, 2014 (D.C. Act 20-426; 61 DCR 10157).”.

110 (c) Section 7 is repealed.

111 Sec. 3. Fiscal impact statement.

112 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal  
113 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,  
114 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

115 Sec. 4. Effective date.

116 (a) This act shall take effect following approval by the Mayor (or in the event of veto by  
117 the Mayor, action by Council to override the veto), a 30-day period of congressional review as  
118 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

119 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
120 Columbia Register.

121 (b) This act shall expire 225 days of its having taken effect.  
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