

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to Congressional Review, An Act To provide for the payment and collection of wages in the District of Columbia to clarify that the Office of Administrative Hearings judges will hear wage theft cases, to exempt an employer from being required to pay wages to bona fide executive, administrative, and professional employees at least twice during each calendar month, to clarify that subcontractors include intermediate subcontractors, to clarify that general contractors and clients of temporary staffing agencies may waive their right to indemnification, to clarify that the Attorney General can bring civil enforcement actions in court and inspect business records, to incorporate record-keeping requirements from the Minimum Wage Act Revision Act, to allow businesses to challenge a demand for business records before a neutral decision-maker, to revise criminal penalties for violations of the act, to clarify the remedies and processes for civil and administrative actions to enforce wage theft laws, to clarify deadlines pertaining to service of wage theft complaints and that membership organizations may bring civil actions on behalf of their members, to clarify the Mayor's authority to issue rules, to require the Mayor to issue rules identifying relevant prevailing federal standards for record keeping requirements, to amend the Minimum Wage Act Revision Act of 1992 to remove the exclusion of parking lot and garage attendants from receiving the protections of the District's minimum and overtime laws, to require the Mayor to issue rules identifying relevant prevailing federal standards for record keeping requirements, to exempt employers from keeping precise time records for bona fide executive, administrative, professional non-hourly employees, to allow businesses to challenge a demand for business records before a neutral decision-maker, to clarify when an employer or a temporary staffing firm must provide notices to an employee in a second language, to require the Mayor to publish translations of notices and sample templates online in all the languages required by the Language Access Act, to clarify how the Mayor shall make certain information available to employers, to clarify that general contractors and clients of temporary staffing agencies may waive their right to indemnification, to clarify the remedies and procedures available in civil and administrative actions; to repeal an obsolete provision of the Wage Theft Prevention Amendment Act of 2014; to amend the Accrued Sick and Safe Leave Act of 2008 and the Living Wage Act of 2006 to require the Mayor to issue rules identifying relevant prevailing federal standards for record keeping requirements; and to provide that all rules,

48 forms, and regulations issued pursuant to the Wage Theft Prevention Amendment Act of  
49 2014 and to any emergency and temporary amendments to that act shall remain in force  
50 until repealed or superseded.

51  
52 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
53 act may be cited as the “Wage Theft Prevention Clarification and Overtime Fairness  
54 Congressional Review Emergency Amendment Act of 2017”.

55 Sec. 2. An Act To provide for the payment and collection of wages in the District of  
56 Columbia, approved August 3, 1956 (70 Stat 976; D.C. Official Code § 32-1301 *et seq.*), is  
57 amended as follows:

58 (a) Section 1 (D.C. Official Code § 32-1301) is amended as follows:

59 (1) Paragraph (1) is designated paragraph (1B).

60 (2) New paragraphs (1) and (1A) are added to read as follows:

61 “(1) “Administrative Law Judge” means an administrative law judge of the Office  
62 of Administrative Hearings, established by section 5 of the Office of Administrative Hearings  
63 Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; 2-1831.02).

64 “(1A) “Attorney General” means the Attorney General for the District of  
65 Columbia, as established by section 435 of the District of Columbia Home Rule Act, effective  
66 May 28, 2011 (D.C. Law 18-160A; D.C. Official Code § 1-204.35).”.

67 (b) Section 2 (D.C. Official Code § 32-1302) is amended by striking the phrase “Every  
68 employer shall pay all wages earned to his employees at least twice during each calendar month,  
69 on regular paydays designated in advance by the employer;” and inserting the phrase “An  
70 employer shall pay all wages earned to his or her employees on regular paydays designated in  
71 advance by the employer and at least twice during each calendar month; except, that all bona fide  
72 administrative, executive, and professional employees (those employees employed in a bona fide

73 administrative, executive, or professional capacity, as defined in section 7-999.1 of the District  
74 of Columbia Municipal Regulation (7 DCMR 999.1), shall be paid at least once per month;” in  
75 its place.

76 (c) Section 3 (D.C. Official Code § 32-1303) is amended as follows:

77 (1) Paragraph 5 is amended to read as follows:

78 “(5) A subcontractor, including any intermediate subcontractor, and the general  
79 contractor shall be jointly and severally liable to the subcontractor’s employees for the  
80 subcontractor’s violations of this act, the Living Wage Act, and the Sick and Safe Leave Act.  
81 Except as otherwise provided in a contract between the subcontractor and the general contractor,  
82 the subcontractor shall indemnify the general contractor for any wages, damages, interest,  
83 penalties, or attorneys’ fees owed as a result of the subcontractor’s violations of this act, the  
84 Living Wage Act, and the Sick and Safe Leave Act, unless those violations were due to the lack  
85 of prompt payment in accordance with the terms of the contract between the general contractor  
86 and the subcontractor.”.

87 (2) Paragraph 6 is amended by striking phrase “Unless otherwise agreed to by the  
88 parties, the temporary staffing firm shall indemnify the employer as a result of the temporary  
89 staffing firm’s violations” and inserting the phrase “Except as otherwise provided in a contract  
90 between the temporary staffing firm and its client, the temporary staffing firm shall indemnify its  
91 client for any wages, damages, interest, penalties, or attorneys’ fees owed as a result of the  
92 temporary staffing firm’s violations” in its place.

93 (d) Section 6 (D.C. Official Code § 32-1306) is amended as follows:

94 (1) Subsection (a)(2) is amended to read as follows:



118 (2) Subsection (c) is amended to read as follows:

119 “(c) Any person to whom a subpoena authorized by this section has been issued shall  
120 have the opportunity to move to quash or modify the subpoena in the Superior Court of the  
121 District of Columbia. In case of failure of any person to comply with any subpoena lawfully  
122 issued under this section, or on the refusal of any witness to testify to any matter regarding which  
123 he or she may be lawfully interrogated, it shall be the duty of the Superior Court of the District of  
124 Columbia or any judge thereof, on application by the Mayor or the Attorney General, to compel  
125 obedience by attachment proceedings for contempt, as in the case of disobedience of the  
126 requirements of a subpoena issued from such Court or a refusal to testify therein.”.

127 (3) New subsections (d) and (e) are added to read as follows:

128 “(d)(1) Every employer subject to any provision of this act or of any  
129 regulation or order issued pursuant to this act shall make, keep, and preserve, for a period of not  
130 less than 3 years or the prevailing federal standard at the time the record is created, which shall  
131 be identified in rules issued pursuant to this act, whichever is greater, a record of:

132 “(A) The name, address, and occupation of each employee;

133 “(B) A record of the date of birth of any employee under 19 years  
134 of age;

135 “(C) The rate of pay and the amount paid each pay period to each  
136 employee;

137 “(D) The precise time worked each day and each workweek by  
138 each employee, except for employees who are not paid on an hourly basis and who are exempt  
139 from the minimum wage and overtime requirements under section 5(a) of the Minimum Wage

140 Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-  
141 1004(a)); and

142 “(E) Any other records or information as the Mayor shall prescribe  
143 by regulation as necessary or appropriate for the enforcement of the provisions of this act or of  
144 the regulations issued pursuant to this act.

145 “(2)(A) Any records shall be open and made available for inspection or  
146 transcription by the Mayor, the Mayor’s authorized representative, or the Office of Attorney  
147 General upon demand at any reasonable time. An employer shall furnish to the Mayor, the  
148 Mayor’s authorized representative, or the Office of the Attorney General on demand a sworn  
149 statement of records and information upon forms prescribed or approved by the Mayor or  
150 Attorney General.

151 “(B) No employer may be found to be in violation of subparagraph  
152 (A) of this paragraph unless the employer had an opportunity to challenge the Mayor or Attorney  
153 General’s demand before a judge, including an administrative law judge.

154 “(e) Every employer shall furnish to each employee at the time of payment of  
155 wages an itemized statement showing the date of the wage payment, gross wages paid,  
156 deductions from and additions to wages, net wages paid, hours worked during the pay period,  
157 and any other information as the Mayor may prescribe by regulation.”.

158 (e) Section 7(a) (D.C. Official Code § 32-1307(a)) is amended to read as follows:

159 “(a)(1) An employer who negligently fails to comply with the provisions of this title or  
160 the Living Wage Act shall be guilty of a misdemeanor and, upon conviction, shall be fined:

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

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

165                               “(2) An employer who willfully fails to comply with the provisions of this title or  
166 the Living Wage Act shall be guilty of a misdemeanor and, upon conviction, shall:

167                                       “(A) For the first offense, be fined not more than \$5,000 per affected  
168 employee, or imprisoned not more than 30 days; or

169                                       “(B) For any subsequent offense, be fined not more than \$10,000 per  
170 affected employee, or imprisoned not more than 90 days.

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

174                               (f) Section 8 (D.C. Official Code § 32-1308) is amended as follows:

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

176   “(a)(1)(A) Subject to subparagraph (B) of this paragraph, a person aggrieved by a  
177 violation of this act, the Minimum Wage Revision Act, the Sick and Safe Leave Act, or the  
178 Living Wage Act may bring a civil action in a court of competent jurisdiction against the  
179 employer or other person violating this act, the Minimum Wage Revision Act, the Sick and Safe  
180 Leave Act, or the Living Wage Act and, upon prevailing, shall be awarded reasonable attorneys’  
181 fees and costs and entitled to restitution including:

182   “(i) The payment of any back wages unlawfully withheld;

183   “(ii) Liquidated damages equal to treble the amount of unpaid  
184 wages;

185   “(iii) Statutory penalties; and

186                                   “(iv) Such legal or equitable relief as may be appropriate,  
187 including reinstatement of employment, and other injunctive relief.

188                                   “(B) No person in any action brought pursuant to this section shall be awarded  
189 any amount already recovered by an employee.

190                                   “(C) Actions may be maintained by one or more employees, who may designate  
191 an agent or representative to maintain the action for themselves, or on behalf of all employees  
192 similarly situated as follows:

193                                   “(i) Individually by an aggrieved person;

194                                   “(ii) Jointly by one or more aggrieved persons;

195                                   “(iii) Consistent with the collective action procedures of the Fair Labor  
196 Standards Act, 29 U.S.C. § 216(b);

197                                   “(iv) As a class action;

198                                   “(v) Initially as a collective action pursuant to the procedures of the Fair  
199 Labor Standards Act, 29 U.S.C. § 216(b), and subsequently as a class action;

200                                   “(vi) By a labor organization or association of employees whose member  
201 is aggrieved by a violation of this act, the Minimum Wage Revision Act, the Sick and Safe  
202 Leave Act, or the Living Wage Act; or

203                                   “(vii) By the Office of Attorney General for the District of Columbia,  
204 pursuant to section 6.”.

205                                   (2) Subsection (b)(4) is amended by striking the word “Mayor” and inserting the  
206 word “District” in its place.

207                                   (g) Section 8a (D.C. Official Code § 32-1308.01) is amended as follows:



208 (1) Subsection (a) is amended by striking the phrase “A signed complaint” and  
209 inserting the phrase “A physically or electronically signed complaint” in its place.

210 (2) Subsection (c) is amended as follows:

211 (A) Paragraph (1) is amended by striking the word “deliver” and inserting  
212 the word “serve” in its place.

213 (B) Paragraph (2) is amended by striking the word “receipt” and inserting  
214 the phrase “receipt of service” in its place.

215 (C) Paragraph (3) is amended by striking the word “mailed” and inserting  
216 the word “served” in its place.

217 (D) Paragraph (4) is amended to read as follows:

218 “(4) If a respondent admits the allegation, the Mayor shall issue an administrative  
219 order requiring the respondent to provide restitution, including the payment of any back wages  
220 unlawfully withheld, liquidated damages equal to the amount of unpaid wages, reasonable  
221 attorney fees and costs, and such other legal or equitable relief as may be appropriate, including  
222 reinstatement in employment, and other injunctive relief, and which may include statutory  
223 penalties. The Mayor or Attorney General may also proceed with any audit or subpoena to  
224 determine if the rights of employees other than the complainant have also been violated.”.

225 (E) Paragraph (5) is amended by striking the word “mailed” and inserting  
226 the word “served” in its place.

227 (F) Paragraph (6) is amended as follows:

228 (i) Strike the word “delivered” and insert the word “served” in its  
229 place.

230 (ii) Strike the phrase “pay any unpaid wages, compensation,  
231 liquidated damages, and fine or penalty owed and requiring the respondent to cure any  
232 violations.” and insert the phrase “provide restitution including the payment of any back wages  
233 unlawfully withheld, liquidated damages equal to treble the amount of unpaid wages, statutory  
234 penalties, reasonable attorney fees and costs, such other legal or equitable relief as may be  
235 appropriate, including reinstatement in employment, and other injunctive relief.” in its place.

236 (G) Paragraph (7) is amended to read as follows:

237 “(7) The Mayor shall issue an initial determination within 60 days after the date  
238 the complaint is served. The initial determination shall set forth a brief summary of the evidence  
239 considered, the findings of fact, the conclusions of law, and an order requiring the respondent to  
240 provide restitution, including the payment of any back wages unlawfully withheld, liquidated  
241 damages equal to treble the amount of unpaid wages, statutory penalties, reasonable attorney fees  
242 and costs, such other legal or equitable relief as may be appropriate, including reinstatement in  
243 employment, and other injunctive relief. The initial determination shall be provided to both  
244 parties and set forth the losing party’s right to appeal under this section or to seek other relief  
245 available under this act.”.

246 (H) Paragraph (9) is amended by striking the word “filing” and inserting  
247 the word “serving” in its place.

248 (3) Subsection (e)(1) is amended by striking the phrase “administrative law judge  
249 shall issue an order based on the findings from the hearing. The”.

250 (4) Subsection (f)(2) is amended read as follows

251 “(2) Appropriate relief shall include the payment of any back wages unlawfully  
252 withheld, liquidated damages equal to treble the amount of unpaid wages, statutory penalties,

253 reasonable attorney fees and costs, such other legal or equitable relief as may be appropriate,  
254 including reinstatement in employment, and other injunctive relief.”.

255 (5) Subsection (m)(4) is amended by striking the word “Mayor” and inserting the  
256 word “District” in its place.

257 (6) A new subsection (n) is added to read as follows:

258 “(n) Appeals of any order issued or fine assessed under this act, the Minimum  
259 Wage Revision Act, the Sick and Safe Leave Act, or the Living Wage Act shall be made to the  
260 District of Columbia Court of Appeals.”.

261 (h) A new section 8b is added to read as follows:

262 “Sec. 8b. Interpretation of fees.

263 No inference shall be drawn, or precedent established, based on the provisions in section  
264 8 or section 8a that provide that attorney fees shall be calculated pursuant to the matrix approved  
265 in *Salazar v. District of Columbia*, 123 F.Supp.2d 8 (D.D.C. 2000) that such fees are reasonable  
266 for any law other than this act, the Minimum Wage Revision Act, the Sick and Safe Leave Act,  
267 or the Living Wage Act.”.

268 (i) A new section 10b is added to read as follows:

269 “Sec. 10b. Rules.

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

273 (j) Section 212(a) (D.C. Official Code § 32-1331.12(a)) is amended by striking the phrase  
274 “3 years, in or about its place of business,” and inserting the phrase “3 years or the prevailing

275 federal standard at the time the record is created, which shall be identified in rules issued  
276 pursuant to this act, whichever is greater, in or about its place of business,” in its place.

277 Sec. 3. The Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C.  
278 Law 9-248; D.C. Official Code § 32-1001 *et seq.*), is amended as follows:

279 (a) Section 5(b) (D.C. Official Code § 32-1004(b)) is amended as follows:

280 (1) Paragraph (3) is amended by adding the word “or” at the end.

281 (2) Paragraph (5) is repealed.

282 (b) Section 8 (D.C. Official Code § 32-1007) is amended to read as follows:

283 “The Mayor and the Attorney General shall each have the power to administer oaths and  
284 require by subpoena the attendance and testimony of witnesses, the production of all books,  
285 registers, and other evidence relative to any matters under investigation, at any public hearing, or  
286 at any meeting of any committee or for the use of the Mayor or the Attorney General in securing  
287 compliance with this act. In case of disobedience to a subpoena, the Mayor or the Attorney  
288 General may invoke the aid of the Superior Court of the District of Columbia to require the  
289 attendance and testimony of witnesses and the production of documentary evidence. In case of  
290 contumacy or refusal to obey a subpoena, the Court may issue an order to require an appearance  
291 before the Mayor or the Attorney General, the production of documentary evidence, and the  
292 giving of evidence. Any person or entity to whom a subpoena has been issued may move to  
293 quash or modify the subpoena, and any failure to obey the order of the Court may be punished by  
294 the Court as contempt.”.

295 (c) Section 9 (D.C. Official Code § 32-1008) is amended as follows:

296 (1) Subsection (a) is amended as follows:

297 (A) Paragraph (1) is amended as follows:

298 (i) The lead-in language is amended striking the phrase “or  
299 whatever the prevailing federal standard is,” and inserting the phrase “or the prevailing federal  
300 standard at the time the record is created, which shall be identified in rules issued pursuant to this  
301 act,” in its place.

302 (ii) Subparagraph (D) is amended to read as follows:

303 “(D) The precise times worked each day and each workweek by  
304 each employee, except for employees who are not paid on an hourly basis and who are exempt  
305 from the minimum wage and overtime requirements under section 5(a); and”.

306 (B) Paragraph (2) is amended to read as follows:

307 “(2)(A) Any records shall be open and made available for  
308 inspection or transcription by the Mayor, the Mayor’s authorized representative, or the Office of  
309 Attorney General upon demand at any reasonable time. An employer shall furnish to the Mayor,  
310 the Mayor’s authorized representative, or the Office of the Attorney General on demand a sworn  
311 statement of records and information upon forms prescribed or approved by the Mayor or  
312 Attorney General.

313 “(B) No employer may be found to be in violation of subparagraph  
314 (A) of this paragraph unless the employer had an opportunity to challenge the Mayor or Attorney  
315 General’s demand before a judge, including an administrative law judge.”.

316 (2) Subsection (c) is amended by striking the phrase “shall furnish to each  
317 employee at the time of hiring a written notice, both in English and in the employee’s primary  
318 language, containing the following information:” and inserting the phrase “shall furnish to each  
319 employee at the time of hiring, and whenever any of the information contained in the written  
320 notice changes, a written notice in English; provided, that if the Mayor has made a sample

321 template available in a language other than English that the employer knows to be the  
322 employee’s primary language or that the employee requests, the employer shall furnish the  
323 written notice to the employee in that other language also. The notice required by this subsection  
324 shall contain:” in its place.

325 (3) Subsection (d) is amended as follows:

326 (A) Paragraph (1) is amended to read as follows:

327 “(1)(A) Within 90 days of February 26, 2015, and within 30 days of any change to  
328 the information contained in the prior written notice, an employer, except in those instances  
329 where notice is provided pursuant to section 9a, shall furnish each employee with an updated  
330 notice containing the information required under subsection (c) of this section in English and in  
331 any additional language required by subsection (c) of this section.

332 “(B) To show proof of compliance with these notice requirements, an  
333 employer shall retain either copies of the written notice furnished to employees that are signed  
334 and dated by the employer and by the employee acknowledging receipt or electronic records  
335 demonstrating that the employee received and acknowledged the notice via email or other  
336 electronic means.”.

337 (B) Paragraph (3) is amended by striking the phrase “subsections (b) and  
338 (c) of”.

339 (4) Subsection (e) is amended adding a sentence at the end to read as follows:

340 “On or before February 26, 2017, the Mayor also shall publish online a translation of the  
341 sample template in any languages required for vital documents pursuant to section 4 of the  
342 Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code §

343 2-1933). The Mayor shall also publish online translations of the sample template in any  
344 additional languages the Mayor considers appropriate to carry out the purposes of this section.”.

345 (d) Section 9a (D.C. Official Code § 32-1008.01) is amended as follows:

346 (1) Section (a)(1) is amended by adding a sentence at the end to read as follows:

347 “The notice shall be provided in English and, if the Mayor has made available a  
348 translation of the sample template in a language that is known by the temporary staffing firm to  
349 be the employee’s primary language or that the employee requests, the temporary staffing firm  
350 shall furnish written notice to the employee in that other language also.”.

351 (2) The lead-in language to subsection (b) is amended to read as follows:

352 “(b) When a temporary staffing firm assigns an employee to perform work at, or  
353 provide services for, a client, the temporary staffing firm shall furnish the employee a written  
354 notice in English, and in another language that the employer knows to be the employee’s primary  
355 language or that the employee requests, if a sample template has been made available pursuant to  
356 subsection (c) of this section, of:”.

357 (3) Subsection (c) is amended to read as follows:

358 “(c) On or before February 26, 2017, the Mayor shall publish online a translation  
359 of the sample template of the notice required by this section in any language required for vital  
360 documents pursuant to section 4 of the Language Access Act of 2004, effective June 19, 2004  
361 (D.C. Law 15-167; D.C. Official Code § 2-1933). The Mayor shall also publish online  
362 translations of the sample template in any additional languages the Mayor considers appropriate  
363 to carry out the purposes of this section.”.

364 (e) Section 12(d)(1)(C) (D.C. Official Code § 32-1011(d)(1)(C)) is amended by striking  
365 the phrase “or whatever the prevailing federal standard is, whichever is greater” and inserting the

366 phrase “or the prevailing federal standard at the time the record is created, which shall be  
367 identified in rules issued pursuant to this act, whichever is greater,” in its place.

368 (f) Section 12a (D.C. Official Code § 32-1011.01) is amended by striking the phrase  
369 “liquidated damages of not less than \$1,000 and not more than \$10,000” and inserting the phrase  
370 “all appropriate relief provided for under section 10a of An Act To provide for the payment and  
371 collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat 979; D.C.  
372 Official Code § 32-1311)” in its place.

373 (g) Section 13 (D.C. Official Code § 32-1012) is amended as follows:

374 (1) Subsection (a) is amended by striking the phrase “according to” and inserting  
375 the phrase “according to, and with all the remedies provided under,” in its place.

376 (2) Subsection (b)(2) is amended by striking the phrase “The court may award an  
377 amount of liquidated damages less than treble the amount of unpaid wages, but not less than the  
378 amount of unpaid wages. In any action commenced to recover unpaid wages or liquidated  
379 damages, the employer shall demonstrate” and inserting the phrase “The court may award an  
380 additional amount of liquidated damages less than treble the amount of unpaid wages, but not  
381 less than the amount of unpaid wages, only if the employer demonstrates” in its place.

382 (3) Subsection (c) is amended to read as follows:

383 “(c) A subcontractor, including any intermediate subcontractor, and the general  
384 contractor shall be jointly and severally liable to the subcontractor’s employees for the  
385 subcontractor’s violations of this act. Except as otherwise provided in a contract between the  
386 subcontractor and the general contractor, the subcontractor shall indemnify the general contractor  
387 for any wages, damages, interest, penalties, or attorneys’ fees owed as a result of the  
388 subcontractor’s violations of this act, unless those violations were due to the lack of prompt



389 payment in accordance with the terms of the contract between the general contractor and the  
390 subcontractor.”.

391 (4) Subsection (f) is amended to read as follows:

392 “(f)(1) When a temporary staffing firm employs an employee who performs work  
393 on behalf of or to the benefit of a client pursuant to a temporary staffing arrangement or contract  
394 for services, both the temporary staffing firm and the client shall be jointly and severally liable  
395 for violations of this act to the employee and to the District.

396 “(2) The District, the employee, or the employee’s representative shall notify  
397 the temporary staffing firm of the alleged violations at least 30 days before filing a claim for  
398 these violations against a client who was not the employee’s direct employer.

399 “(3) Except as otherwise provided in a contract between the temporary  
400 staffing firm and its client, the temporary staffing firm shall indemnify its client for any wages,  
401 damages, interest, penalties, or attorneys’ fees owed as a result of the temporary staffing firm’s  
402 violations of this act.”.

403 (h) Section 13a (D.C. Official Code § 32-1012.01) is amended to read as follows

404 “Administrative complaints filed for violations of this act shall be considered under the  
405 same procedures and with all the same legal and equitable remedies available for violations of  
406 Title I of An Act To provide for the payment and collection of wages in the District of Columbia,  
407 approved August 3, 1956 (70 Stat 976; D.C. Official Code § 32-1301 *et seq.*)”.

408 Sec. 4. Conforming amendments.

409 (a) Section 11b(a) of the Accrued Sick and Safe Leave Act, effective February 22, 2014  
410 (D.C. Law 20-89; D.C. Official Code § 32-131.10b(a)), is amended by striking the phrase “3  
411 years” and inserting the phrase “3 years or the prevailing federal standard at the time the record

412 is created, which shall be identified in rules issued pursuant to this act, whichever is greater,” in  
413 its place.

414 (b) Section 107 of the Living Wage Act, effective June 8, 2006 (D.C. Law 16-118; D.C.  
415 Official Code § 2-220.07), is amended by striking the phrase “3 years from the payroll date” and  
416 inserting the phrase “3 years or the prevailing federal standard at the time the record is created,  
417 which shall be identified in rules issued pursuant to this act, whichever is greater, from the  
418 payroll date” in its place.

419 (c) Paragraph 11 of section 105.3 of Title 12A of the District of Columbia Municipal  
420 Regulations (12A DCMR 105.3(11)) is amended as follows:

421 (1) Strike the phrase “general contractor or construction manager,” and insert the  
422 phrase “general contractor, construction manager, and each subcontractor,” in its place.

423 (2) Strike the phrase “general constructor or construction manager is selected”  
424 and insert the phrase “general contractor, construction manager, or any subcontractor is selected”  
425 in its place.

426 Sec. 5. Continuation of rules, forms, and regulations.

427 All rules, forms, and regulations issued pursuant to the Wage Theft Prevention  
428 Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-157; 61 DCR 10157),  
429 (“act”) and any rules, forms, and regulations issued pursuant to the act, including the Wage Theft  
430 Prevention Clarification Temporary Amendment Act of 2016, effective April 6, 2016 (D.C. Law  
431 21-101; 63 DCR 2220), or the Wage Theft Prevention Correction and Clarification Temporary  
432 Amendment Act of 2016, enacted on October 4, 2016 (D.C. Act 21-493; 63 DCR 12600), or any  
433 like succeeding emergency and temporary acts, shall continue in effect according to their terms  
434 until lawfully amended, repealed, or superseded.

435           Sec. 6. Repealers.

436           (a) Section 7 of the Wage Theft Prevention Amendment Act of 2014, effective February  
437 26, 2015 (D.C. Law 20-157; 61 DCR 10157), is repealed.

438           (b) The Wage Theft Prevention Correction and Clarification Temporary Amendment Act  
439 of 2016, enacted on October 4, 2016 (D.C. Act 21-493; 63 DCR 12600), is repealed.

440           (c) The Revised Wage Theft Prevention Clarification Emergency Amendment Act of  
441 2016, passed on an emergency basis on November 1, 2016 (Enrolled Bill 21-928), is repealed.

442           (d) The Revised Wage Theft Prevention Clarification Temporary Amendment Act of  
443 2016, passed on an emergency basis on November 1, 2016 (Engrossed Bill 21-929), is repealed.

444           (e) The Wage Theft Prevention Correction and Clarification Second Congressional  
445 Review Emergency Amendment Act of 2016, enacted October 27, 2016 (D.C. Act 21-512; 63  
446 DCR 13577), is repealed.

447           Sec. 7. Fiscal impact statement.

448           The Council adopts the fiscal impact statement in the committee report for the Wage  
449 Theft Prevention Clarification and Overtime Fairness Amendment Act of 2016, passed on 2nd  
450 reading on December 6, 2016 (Enrolled version of Bill 21-120), as the fiscal impact statement  
451 required by section 4a of the General Legislative Procedures Act of 1975, approved October 16,  
452 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

453           Sec. 8. Effective date.

454           This act shall take effect following approval by the Mayor (or in the event of veto by the  
455 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than  
456 90 days, as provided for emergency acts of the Council of the District of Columbia in section

457 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;

458 D.C. Official Code § 1-204.12(a)).

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