

A PROPOSED RESOLUTION

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To declare the existence of an emergency, due to Congressional Review, with respect to the need to update and clarify District wage laws, including to clarify that the Office of Administrative Hearings judges will hear wage theft cases, that the Attorney General can bring civil enforcement actions in court and inspect business records, that employee associations may bring civil actions on behalf of their members, the Mayor’s authority to issue rules, when an employer or a temporary staffing firm must provide notices to an employee in a second language, how the Mayor will make certain information available to employers, that general contractors and clients of temporary staffing agencies may waive their right to indemnification, and the deadlines, procedures, and remedies in civil and administrative actions.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Wage Theft Prevention Clarification and Overtime Fairness Congressional Review Emergency Declaration Resolution of 2017”.

Sec. 2. (a) The Council enacted the Wage Theft Prevention Clarification and Overtime Fairness Amendment Act of 2016, passed on 1st reading on November 15, 2016 (Engrossed version of Bill 21-120) (“permanent legislation”), to clarify that the Office of the Attorney General for the District of Columbia (“OAG”) is authorized to bring a civil action in a court of competent jurisdiction against a person violating District wage law and that an administrative law judge within the Office of Administrative Hearings is authorized to hear wage theft cases.

(b) The permanent legislation clarifies the Mayor’s authority to issue rules, the remedies and processes for administrative and civil actions, deadlines for service of complaints, language

requirements for notices of employee rights, how the Mayor will make certain information available to employers, and that general contractors and clients of temporary staffing agencies may waive their right to indemnification.

(c) The permanent legislation adds new requirements. It requires the Mayor to issue rules to align District record keeping requirements with prevailing federal standards. It exempts employers from keeping time records for certain employees, and allows businesses to challenge demands for their business records. The permanent legislation also aligns the overtime requirements for parking lot and garage attendants under District law with those of federal law.

(d) In addition to clarifying the processes, timelines, remedies, and notice requirements of wage laws, as well as the other important reforms in the permanent legislation, as soon as possible, it is vital that the authority of the OAG to investigate allegations of wage theft, including the use of subpoenas when appropriate, and of the Office of Administrative Hearings to hear wage theft cases be clarified without delay.

(e) The emergency legislation expires on March 21, 2017. The permanent legislation was transmitted to Congress on February 24, 2017, for the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and is not projected to become law until April 7, 2017.

(f) It is important that the provisions of the emergency legislation continue in effect, without interruption, until the permanent legislation is in effect.

Sec 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Wage

Theft Prevention Clarification and Overtime Fairness Congressional Review Emergency  
Amendment Act of 2017 be adopted after a single reading.

Sec 4. This resolution shall take effect immediately.