Council of the
DISTRICT OF COLUMBIA

D.C. Law 25-138. Wage Transparency Omnibus Amendment Act of 2023.

AN ACT

To amend the Wage Transparency Act of 2014 to clarify the definition of employer, to prohibit an employer from screening prospective employees based on their wage history or seeking the wage history of a prospective employee, to require employers to include minimum and maximum salary or hourly pay information for all job advertisements or job postings and to disclose the existence of healthcare benefits before the first interview, to provide employees notice of their rights under the act, and to authorize the Office of the Attorney General to enforce violations of the act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Wage Transparency Omnibus Amendment Act of 2023".

Sec. 2. The Wage Transparency Act of 2014, effective March 11, 2015 (D.C. Law 20-19; D.C. Official Code § 32-1451 *et seq*.), is amended as follows:

Amend § 32-1451

(a) Section 2 (D.C. Code § 32-1451) is amended as follows:

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

(A) Redesignate the paragraph as paragraph (1A).

(B) Strike the word "Employee" and insert the phrase ""Employee"" in its place.

(2) A new paragraph (1) is added to read as follows:

"(1) "Compensation" means all forms of monetary and nonmonetary benefits an employer provides or promises to provide an employee in exchange for the employee's services to the employer.".

(3) Paragraph (2) is amended to read as follows:

"(2) "Employer" means an individual, firm, association, or corporation that employs at least one employee in the District, except that the term "employer" does not include the:

"(A) District government; or

"(B) Federal government.".

(4) Paragraph (3) is repealed.

(5) A new paragraph (4) is added to read as follows:

"(4) "Wage history" means information related to compensation an employee has received from other or previous employment.".

Amend § 32-1452

(b) Section 3 (D.C. Code § 32-1452) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "wages or the wages" and inserting the phrase "compensation or the compensation" in its place.

(2) Paragraph (2) is amended as follows:

(A) Strike the phrase "interfere with, or" and insert the phrase "interfere with, negatively affect the terms and conditions of employment, or" in its place.

(B) Strike the word "wages" both times it appears and insert the word "compensation" in its place.

(C) Strike the phrase "; or" and insert a semicolon in its place.

(3) Paragraph (3) is amended by striking the period and inserting a semicolon in its place.

(4) New paragraphs (4) and (5) are added to read as follows:

"(4) Screen prospective employees based on their wage history, including by requiring that a prospective employee's wage history satisfy minimum or maximum criteria or by requesting or requiring as a condition of being interviewed or as a condition of continuing to be considered for an offer of employment that a prospective employee disclose the prospective employee's wage history; or

"(5) Seek the wage history of a prospective employee from a person who previously employed the individual.".

Amend § 32-1453

(c) Section 4 (D.C. Official Code § 32-1453) is amended as follows:

(1) Subsection (a) is amended by striking the word "wages" and inserting the word "compensation" in its place.

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

(A) Paragraph (1) is amended by striking the word "wages" and inserting the word "compensation" in its place.

(B) Paragraph (2) is amended by striking the word "wages" and inserting the word "compensation" in its place.

(d) New sections 4a and 4b are added to read as follows:

New § 32-1453.01

"Sec. 4a. Employer disclosures.

"(a) An employer shall:

"(1) Provide the minimum and maximum projected salary or hourly pay in all job listings and position descriptions advertised. In stating the minimum and maximum salary or hourly pay for the position, the range shall extend from the lowest to the highest salary or hourly pay that the employer in good faith believes at the time of the posting it would pay for the advertised job, promotion, or transfer opportunity;

"(2) Disclose to prospective employees the existence of healthcare benefits that employees may receive before the first interview.

"(b) Should an employer not provide disclosures required pursuant to subsection (a) of this section, a prospective employee may inquire about such disclosures.

New § 32-1453.02

"Sec. 4b. Notice.

"An employer shall post a notice in its workplace notifying employees of their rights under this act. The notice shall be posted in a conspicuous place in at least one location where employees congregate.".

Amend § 32-1455

(d) [(e)] Section 6 (D.C. Code § 32-1455) is amended as follows:

(1) Subsection (b) is amended by striking the word "act" and inserting the phrase "act, in accordance with subsection (a) of this section," in its place.

(2) A new subsection (b-1) is added to read as follows:

"(b-1)(1) The Attorney General shall have the power to investigate whether violations of this act have occurred, to administer oaths and examine witnesses under oath, to issue subpoenas, to compel the attendance of witnesses and the production of papers, books, accounts, records, payrolls, documents, and testimony, and to take depositions and affidavits in connection with any such investigation.

"(2) The Attorney General, acting in the public interest, including the need to deter future violations, may bring a civil action in a court of competent jurisdiction against an employer or other person violating this act for restitution or for injunctive, compensatory, or other authorized relief for any individual or for the public at large. Upon prevailing in court, the Attorney General shall be entitled to:

"(A) Reasonable attorneys' fees and costs; and

"(B) Statutory penalties equal to any administrative penalties provided by law.

> "(3) A person to whom a subpoena authorized by this subsection has been issued shall have the opportunity to move to quash or modify the subpoena in the Superior Court of the District of Columbia. In case of failure of a person to comply with any subpoena lawfully issued under this subsection, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, it shall be the duty of the Superior Court of the District of Columbia, or any judge thereof, upon application by the Attorney General, to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from the Court or a refusal to testify therein.".

Sec. 3. Applicability.

This act shall apply as of June 30, 2024.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 21, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

LAW INFORMATION

Cites

D.C. Law 25-138 (PDF)
D.C. Act 25-367 (PDF)
71 DCR 875

Effective

Mar. 5, 2024

Legislative History (LIMS)

Law 25-138, the "Wage Transparency Omnibus Amendment Act of 2023," was introduced in the Council and assigned Bill No. 25-194 which was referred to the Executive Administration and Labor. The bill was adopted on first and second readings on Dec. 5, 2023, and Dec. 19, 2023, respectively. After mayoral review, it was assigned

Act No. 25-367 on Jan. 12, 2024, and transmitted to Congress for its review. D.C. Law 25-138 became effective Mar. 5, 2024.

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