

D.C. Wage Theft Prevention Act Amended by Council to Remove Certain Exempt-Employee Mandates

Article By:

Leslie A. Stout-Tabackman

Jacqueline C. Tully

The ***District of Columbia Council*** has passed emergency and temporary amendments to the ***Wage Theft Prevention Amendment Act*** that, among other things, remove the requirements that employers keep time for exempt employees and that they pay exempt employees at least twice monthly. Exempt employees still are covered by the other requirements and protections of the Act, including the notice requirements.

The Council also revised the Act's notice requirements to replace the mandate that the notice be provided in an employee's primary language with a requirement that employers furnish to each employee at the time of hiring (and whenever the required notice information changes) a written notice in English in the sample form made available by the Mayor. Further, if the Mayor has made available a translation of the sample template in a second language that is known by the employer to be the employee's primary language, or that the employee requests, the employer also must furnish written notice to the employee in that second language. The Council left unchanged the Act's provision that states, "As proof of compliance, every employer [except staffing agencies, that can provide the notice electronically] 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."

The Mayor is expected to approve the latest changes before the current February 26th effective date of the Wage Theft Prevention Amendment Act. Therefore, the effectiveness of the Act and these changes will be coextensive.

The effective date is still subject to change. Once the law goes into effect, employers are required to give employees written notice of their wages. The Mayor is to provide employers with a template of this notice within 60 days of the Act's effective date. Employers are required to issue the written notice to each employee within 90 days of the Act's effective date.

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