

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To prohibit employers from requiring that an employee refrain from inquiring, disclosing, comparing, or otherwise discussing with any other employee of the same employer the employee's wages or the wages of another employee, and to prohibit employers from retaliating against employees who do so.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Wage Transparency Act of 2014".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Employee" means an individual employed by an employer.
- (2) "Employer" means an individual, firm, association, or corporation who uses the services of another individual for pay in the District; provided, that the term "employer" does not include the District or the federal government.
- (3) "Wages" shall have the same meaning as provided in section 1(3) of An Act to provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code § 32-1301(3)).

Sec. 3. Prohibited actions of employer.

An employer shall not:

- (1) Require, as a condition of employment, that an employee refrain from inquiring about, disclosing, comparing, or otherwise discussing the employee's wages or the wages of another employee;
- (2) Discharge, discipline, interfere with, or otherwise retaliate against an employee who inquires about, discloses, compares, or otherwise discusses the employee's wages or the wages of another employee or is believed by the employer to have done so; or
- (3) Prohibit or attempt to prohibit an employee from lodging a complaint, or testifying, assisting, or participating in an investigation or proceeding, related to a violation of this act.

Sec. 4. Exceptions.

- (a) An employer may prohibit an employee with regular access to information regarding the wages of other employees in the course of the employee's work, such as a human resources

employee, from sharing such information, unless the disclosure is in furtherance of or response to an investigation, action, or hearing, or there is a legal obligation for the employer to furnish the information.

(b) Nothing in this act shall require:

(1) An employer to disclose the wages of an employee in response to an inquiry by another employee; or

(2) An employee to disclose his or her wages in response to an inquiry by another employee.

Sec. 5. Provisions of law may not be waived.

No provision of this act shall in any way be contravened or set aside by private agreement.

Sec. 6. Enforcement.

(a) If an employer fails to comply with the provisions of this act, the Mayor shall assess a civil fine of \$1,000 for the first violation, \$5,000 for the second violation, and \$20,000 for each subsequent violation.

(b) Adjudication for a violation of this act shall be pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

(c) Nothing in this act shall be construed to create a private right of action.

Sec. 7. Rules.

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

Sec. 8. Applicability.

This act shall not apply to an employment contract entered into before the effective date of this act; provided, that upon renewal of such a contract, this act shall apply.

Sec. 9. Fiscal impact statement.

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

Sec. 10. 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

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia