



COUNCIL OF THE DISTRICT OF COLUMBIA
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C. 20004

CHRISTINA HENDERSON
Councilmember, At-Large
Chairperson, Committee on Health

Committee Member
Hospital and Health Equity
Judiciary and Public Safety
Transportation and the Environment

Statement of Introduction
Fair Wage Amendment Act of 2023
February 17, 2023

Today, along with Councilmembers Anita Bonds, Janeese Lewis George, Kenyan R. McDuffie, Brianne K. Nadeau, Charles Allen, Brooke Pinto, Zachary Parker, and Robert C. White, Jr., I am introducing the Fair Wage Amendment Act of 2023. I am proud to re-introduce legislation that would level the playing field for women, Black and Brown residents, and senior citizens seeking employment in the District.

According to data from the Census Bureau and the National Partnership for Women & Families, women in the United States were paid just 83 cents for every dollar paid to men as of December 2022. The wage gap in the District of Columbia is marginally wider than the national gap, with women making 81.9 cents for every dollar paid to men. However, when race is taken into account, data from the District reveals stark divides. In 2021, Black women made just 51 cents for every dollar white men earn in the city. Census Bureau data also reveals that the gender pay gap widens as women age, and that monthly earnings decline faster for female senior citizen employees than male senior citizen workers. The National Women's Law Center projects that over the course of a 40-year career, a Black woman in the District will make \$1.98 million less than white men because of this earnings gap.

The COVID-19 pandemic exacerbated this divide. Women predominantly took time off from work, or even left the workforce, in order to care for children who were unable to attend school in person, or whose childcare slots disappeared. Then, as reported by the Society for Human Resource Management, women often incur a pay penalty upon returning to work after a prolonged absence – earning 7% less than men in the same position.

The District cannot tolerate wage discrimination, and it imperative that this government address the mechanisms that hinder women from earning equal pay for equal work. The Fair Wage Amendment Act would accomplish this by prohibiting employers from asking a potential employee about salary history until after a job and salary offer are made. This would include prospective employees of the D.C. government, as local government should lead by example. The legislation would also require related workplace notices, so that employees and future applicants are aware of their rights.

By banning employers from requiring prospective employees to reveal their wage history, The District will help to ensure that the compensation offered to a prospective employee for one job does not compound any wage inequities suffered in the past. I look forward to working with my colleagues on the Council to pass this legislation and renew our commitment to pay parity for all District workers.

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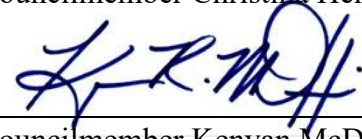
2 Councilmember Anita Bonds



Councilmember Christina Henderson

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6 Councilmember Janeese Lewis George



Councilmember Kenyan McDuffie

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10 Councilmember Charles Allen



Councilmember Zachary Parker

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14 Councilmember Brianne K. Nadeau



Councilmember Robert C. White, Jr.

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18 Councilmember Brooke Pinto

22 A BILL

26 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

29 To amend the Wage Transparency Act of 2014 to prohibit an employer from screening
30 prospective employees based on their wage history or seeking the wage history of a
31 prospective employee.

33 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
34 act may be cited as the “Fair Wage Amendment Act of 2023”.

36 Sec. 2. The Wage Transparency Act of 2014 is amended as follows:

37 (a) Section 2 is amended as follows:

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

39 (A) Strike the phrase “an individual, firm, association, or corporation” and
40 insert the phrase “a person” in its place.

41 (B) Strike the phrase “the District or”.

42 (2) Paragraph (3) is amended by striking the period at the end and inserting the
43 phrase “and shall also include all nonmonetary compensation.”.

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

45 “(4) “Wage history” means information related to wages an employee has
46 received from employers other than the inquiring employer.”.

47 (b) Section 3 is amended as follows:

48 (1) Paragraph (2) is amended to read as follows:

49 “(2) Discharge, discipline, interfere with, negatively affect the terms and
50 conditions of employment, or otherwise retaliate against an employee who inquires about,
51 discloses, compares, or otherwise discusses the employee’s wages or the wages of another
52 employee or is believed by the employer to have done so;”.

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

54 “(4) Screen prospective employees based on their wage history; including by
55 requiring that a prospective employee’s wage history satisfy minimum or maximum criteria or
56 by requesting or requiring as a condition of being interviewed or as a condition of continuing to
57 be considered for an offer of employment that a prospective employee disclose his or her wage
58 history; or

59 “(5) Seek the wage history of a prospective employee from the individual’s
60 present or past employer except where:

61 “(A) The employer has made an offer of employment with compensation
62 to the prospective employee and seeks such information for the sole purpose of confirming
63 information about the prospective employee’s wage history; and

64 “(B) The prospective employee has provided written authorization for the
65 employer to receive the specific information sought.”.

66 (c) A new section 5a is added to read as follows:

67 “Sec. 5a. Notice.

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

71 Sec. 3. Fiscal impact statement.

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

75 Sec. 4. Effective date.

76 This act shall take effect following approval by the Mayor (or in the event of veto by the
77 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
78 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
79 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
80 Columbia Register.