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A BILL
25-194

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Wage Transparency Act of 2014 to limit its scope to employers with 25 or more employees in the District, 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 provide prospective employees with a schedule of 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 22-19; D.C. Official Code § 32-1451 *et seq.*), is amended as follows:

(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:

28 “(1) “Compensation” means all forms of monetary and nonmonetary benefits an
29 employer provides or promises to provide an employee in exchange for the employee’s services
30 to the employer.”.

31 ~~(3) Paragraph (2) is amended by striking the phrase “another individual” and
32 inserting the phrase “25 or more employees” in its place.~~

33 (4) Paragraph (3) is repealed.

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

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

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

38 (1) Paragraph (1) is amended by striking the phrase “wages or the wages” and
39 inserting the phrase “compensation or the compensation” in its place.

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

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

43 (B) Strike the phrase “wages” and insert the phrase “compensation” in its
44 place.

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

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

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

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

54 “(5) Seek the wage history of a prospective employee from a person who
55 previously employed the individual.”.

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

57 (1) Subsection (a) is amended by striking the word “wages” and inserting the
58 word “compensation” in its place.

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

60 (A) Paragraph (1) is amended by striking the word “wages” and inserting
61 the word “compensation” in its place.

62 (B) Paragraph (2) is amended by striking the word “wages” and inserting
63 the word “compensation” in its place.

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

65 “Sec. 4a Employer disclosures.

66 “(a) An employer shall:

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

72 “(2) Disclose to applicants for a job, promotion, or transfer opportunity the
73 schedule of benefits, including bonuses, healthcare and other wellness benefits, stocks, bonds,
74 options, equity, and nonmonetary remuneration, that employees may receive before the first
75 interview.

76 (b) Should an employer not provide disclosures required pursuant to paragraph (1) of this
77 subsection, a prospective employee may inquire about such disclosures.

78 “Sec. 4b. Notice.

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

82 (d) Section 6 (D.C. Code § 32-1451) is amended as follows:

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

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

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

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

96 “(A) Reasonable attorneys' fees and costs; and

97 “(B) Statutory penalties equal to any administrative penalties provided
98 by law.

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100 “(3) A person to whom a subpoena authorized by this subsection has been issued
101 shall have the opportunity to move to quash or modify the subpoena in the Superior Court of the
102 District of Columbia. In case of failure of a person to comply with any subpoena lawfully issued
103 under this subsection, or on the refusal of a witness to testify to any matter regarding which he or
104 she may be lawfully interrogated, it shall be the duty of the Superior Court of the District of
105 Columbia, or any judge thereof, upon application by the Attorney General, to compel obedience

106 by attachment proceedings for contempt, as in the case of disobedience of the requirements of a
107 subpoena issued from the Court or a refusal to testify therein.”.

108 Sec. 3. Applicability.

109 (a) This act shall apply upon the date of inclusion of its fiscal effect in an approved
110 budget and financial plan.

111 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in
112 an approved budget and financial plan, and provide notice to the Budget Director of the Council
113 of the certification.

114 (c)(1) The Budget Director shall cause the notice of the certification to be published in
115 the District of Columbia Register.

116 (2) The date of publication of the notice of the certification shall not affect the
117 applicability of this act.

118 Sec. 4. Fiscal impact statement.

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

122 Sec. 5. Effective date.

123 This act shall take effect following approval by the Mayor (or in the event of veto by the
124 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
125 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENGROSSED ORIGINAL

126 21, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
127 Columbia Register.