



## Orders and Instructions

Subject:

Effective Date:

Number:

SUMMARY:

OPI:

**APPROVED**

*By John E. Potter at 2:41 pm, Jun 29, 2020*

Date:

A handwritten signature in black ink that reads "John E. Potter". The signature is written in a cursive style with a large, looped "J" and "P".

President and Chief Executive  
Officer

## Airport Workers Wage Policy

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### I. PURPOSE AND INTRODUCTION

This Order & Instruction, which applies to both Ronald Reagan Washington National (“Reagan National”) and Washington Dulles International (“Dulles International”) Airports, contains a set of Administrative Rules for the Metropolitan Washington Airports Authority’s (“Authority”) Airport Workers Wage Policy (“Workers Wage Policy”). The Workers Wage Policy was adopted by the Authority’s Board of Directors in April 2017. The Administrative Rules establish a set of rules, requirements and procedures that the Authority will use in the implementation and administration of the Workers Wage Policy. All Covered Businesses (defined below) must comply with the Workers Wage Policy and these Administrative Rules, as the policy and rules may be amended from time to time. The program established by the Authority to implement and apply the Workers Wage Policy and the Administrative Rules is referred to as the “Airport Workers Wage Program.”

### II. DISTRIBUTION

To Division Managers and above, as well as, to all current and future “Covered Businesses,” and posted on [mwaa.com](http://mwaa.com) for the public.

### III. CANCELLATION

This O&I supersedes and replaces Order & Instruction No. 5-4-1, "Administrative Rules for the Metropolitan Washington Airports Authority Airport Workers Wage Policy," dated August 22, 2017.

### IV. AIRPORT WORKERS WAGE POLICY

#### A. Background of Airport Workers Wage Policy

In 2016, the Authority’s Board of Directors (“Board”) initiated a review of the levels of compensation that certain businesses operating on Ronald Reagan or Dulles International Airport were providing their on-Airport workers. The Board formed a special committee to undertake the review and to submit recommendations to the Board. The special committee conducted this review, during which it obtained input from airlines, concessionaries, labor organizations and airport workers, and received briefings from Authority staff. This work culminated in a committee report which recommended that the Board adopt an Airport Workers Wage Policy, as outlined in the committee report. On April 19, 2017, the Board accepted the special committee’s recommendation and adopted Resolution No. 17-8 in which it formally adopted the Airport Workers Wage Policy.

In June 2019, the Board formed a special committee to conduct a review of the Airport Workers Wage Policy and on December 18, 2019, that committee recommended, and the Board adopted in Resolution No. 19-24, amendments to the Airports Workers Wage Policy, including updated Base Wage Rates and expanded definitions of Covered Businesses and Covered Workers.

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The Airport Workers Wage Policy (“Workers Wage Policy”) applies to businesses operating at Reagan National and/or Dulles International which provide (i) commercial aviation support services to airlines operating at the Airport or (ii) concessions services to passengers and other Airport patrons at the Airport, and requires these businesses to pay their employees for all work performed on the Airport at an hourly wage rate that is no less than the policy’s “Base Wage Rate” in effect at the time the work is performed. In passing Resolution 17-8, the Board determined that the Workers Wage Policy would promote a long-term, more stable and experienced on-Airport workforce, an overall improvement in the job performance of on-Airport workers and, over time, significant enhancements in both the security and safety of the Airports and the level of Airport passenger satisfaction.<sup>1</sup>

### B. Definitions Applicable to Workers Wage Policy and Administrative Rules

*Airport(s).* Reagan National or Dulles International, as referenced above (or both Airports).

*Authority.* The Metropolitan Washington Airports Authority.

*Base Wage Rate.* The lowest hourly wage rate at which a Covered Business may compensate its Covered Workers.<sup>2</sup>

*Certified Compliance Statement.* The annual statement submitted each January by a Covered Business to the Authority.

*Certified Payroll Report.* The report that a Covered Business prepares for each quarter of a calendar year to substantiate its compliance with the Workers Wage Policy and the Administrative Rules.

*Covered Business.* A business covered by the Airport Workers Wage Policy is (i) any business providing support services on Reagan National or Dulles International to one or more airlines and operating on the Airport pursuant to a Commercial Aviation Services Permit (or similar authorization) issued by the Authority or pursuant to a lease with the Authority<sup>3</sup>, (ii) any business providing concession services within a terminal or concourse on Reagan National or Dulles International (e.g., the sale or provision of retail goods, food and beverages to Airport patrons) pursuant to a lease with or other authorization from the Authority or a lease with a concessions program manager under contract with the Authority<sup>4</sup>, (iii) any business

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<sup>1</sup> Resolution No. 17-8 authorizes the Authority’s President and Chief Executive Officer to prepare “a set of rules, requirements and procedures for the implementation and administration of the Airport Workers Wage Policy.” These Administrative Rules have been prepared pursuant to this authorization.

<sup>2</sup> Throughout these Administrative Rules, the terms “hour” and “hours” include a full 60-minute hour, as well as any portion of a 60-minute hour, and the term “wage” and “wages” refers to the gross compensation paid by Covered Businesses to Covered Workers prior to any withholding or other deduction.

<sup>3</sup> Attachment A contains examples of the type of commercial aviation support services provided by the businesses which are addressed by clause (i) of this definition.

<sup>4</sup> Businesses providing concession services which are addressed by clause (ii) of this definition generally operate from space in Terminal A or Terminal B/C at Reagan National or in the Main Terminal or an airside passenger concourse at Dulles

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providing in-flight meals prepared after June 30, 2020, at a location outside of Reagan National and Dulles International to airlines operating on an Airport, and (iv) any business operating a fast food restaurant on Reagan National or Dulles International at a location outside the Airport's terminals and concourses and pursuant to a concessions contract with the Authority, the solicitation for which is issued within six months of January 1, 2020.

*Covered Worker.* A worker covered by the Airport Workers Wage Policy is any worker employed by a Covered Business who works on Reagan National or Dulles International Covered Business, whether on a full-time (i.e., 40 hours per week) or part-time basis. Covered Workers will be compensated at no less than the applicable hourly rates in subparagraph II.C.(a) below for all work performed on the Airport; provided, that "works on...an Airport" shall not include the making of deliveries on an Airport or performing similar irregular or occasional "on Airport" work for a Covered Business. Notwithstanding the above provisions of this paragraph, the Covered Worker of a Covered Business defined in clause (iii) of the definition of Covered Business shall only be those employees of the business who deliver prepared in-flight meals to airlines operating at Reagan National or Dulles International and who possess all authorizations required by the Authority to enter the Airport for the purpose of making such deliveries.

*Direct Wages.* The wages a Covered Business pays its Tipped Workers, regardless of the amount of tips the workers receive. Direct Wages shall be no less than \$2.13 per hour.

*FLSA.* The federal Fair Labor Standards Act, codified at 29 U.S.C. § 201 et seq.

*Notice of Non-Compliance.* A written notice provided by the Authority to a Covered Business which the Authority believes may have failed to comply with the Workers Wage Policy or these Administrative Rules.

*Overtime Hours.* Hours of Overtime Work performed by a Covered Worker in a Workweek.

*Overtime Work.* Work performed by a Covered Worker in a Workweek in excess of 40 hours (or a different number of hours (if any) established by the Fair Standards Labor Act (FLSA) and applicable to the Covered Worker).

*Pay Period.* The period of time for which a Covered Business regularly pays its Covered Workers for their work (e.g., weekly, bi-weekly, monthly). A Pay Period may include one or more than one Workweek.

*Request for Authority Review.* A request submitted to the Authority by a Covered Worker seeking the Authority's review of the worker's belief or allegation that wages the worker has been paid by a Covered Business are not in compliance with the Workers Wage Policy.

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*Supplemental Wages.* The wages a Covered Business pays its Tipped Workers, in addition to Direct Wages, which are necessary to ensure that the workers' compensation in a Workweek from wages, both Direct and Supplemental, and tips is no less than the compensation required by the Workers Wage Policy.

*Tipped Worker.* Any Covered Worker of a Covered Business who customarily and regularly receives more than \$30 a month in tips, whose tips are considered by the Covered Business to be a part of the worker's wages, and who is considered a tipped employee under the FLSA.

*Workweek.* A fixed and regularly recurring period of seven consecutive 24-hour periods, as established by a Covered Business.

### C. Components of Authority's Workers Wage Policy

(a) *Base Wage Rate.* Any business covered by the Airport Workers Wage Policy (defined herein as a "Covered Business") must pay its workers who are employed and work at Reagan National or Dulles International Airport (defined herein as a "Covered Worker") no less than the following hourly wage rates:

- i. \$11.55 starting on January 1, 2018;
- ii. \$12.15 starting on January 1, 2019;
- iii. \$12.75 starting on January 1, 2020;
- iv. \$13.50 starting on January 1, 2021;
- v. \$14.25 starting on January 1, 2022; and
- vi. \$15.00 starting on January 1, 2023.

These wage rates will apply whether or not a Covered Business provides health or other benefits to its Covered Workers.

1. Covered Non-Tipped Workers. A Covered Business shall pay its Covered Workers who are not Tipped Workers for all work performed on an Airport at an hourly wage rate that is no less than the Base Wage Rate in effect at the time the work is performed (less deductions allowed by the FLSA); provided, that, during a Workweek in which a Covered Worker performs Overtime Work, the Covered Business shall also pay the worker for each Overtime Hour worked at an hourly wage rate that is no less than 1.5 times the Base Wage Rate in effect at the time the work is performed. The requirements of this section apply to Covered Workers of the Covered Business who customarily and regularly receive more than \$30 a month in tips, but whose tips are *not* considered by the Covered Business to be a part of the workers' wages and who, therefore, are not Tipped Workers.

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2. Covered Tipped Workers. A Covered Business shall pay its Tipped Workers no less than \$2.13 an hour in Direct Wages for each hour they work in a Workweek, including for each hour of Overtime Work in the week, and, in addition, shall comply with the provisions in the following subsections.
  - a. In connection with any Workweek during which a Tipped Worker does not perform any Overtime Work, a Covered Business shall be able to demonstrate that, when the Tipped Worker's Direct Wages for the hours of non-Overtime work and the received tips are combined, the Tipped Worker has received compensation during the Workweek that is no less than the then applicable Base Wage Rate times the number of hours worked. If the combination of Direct Wages and tips received by a Tipped Worker during the Workweek is less than this minimum level of compensation, the Covered Business shall pay Supplemental Wages to the Tipped Worker in the amount of the shortfall.
  - b. In connection with any Workweek during which a Tipped Worker performs Overtime Work, a Covered Business shall be able to demonstrate that, when the Tipped Worker's Direct Wages for all hours of work and the received tips are combined, the Tipped Worker has received compensation (i) for the forty (40) hours of non- Overtime work that is no less than the then applicable Base Wage Rate times 40, and (ii) for the Overtime Hours worked that is no less than 1.5 times the then applicable Base Wage Rate times the number of Overtime Hours worked. If the combination of Direct Wages and received tips in the Workweek is less than the minimum level of compensation described in clauses (i) and (ii), the Covered Business shall pay Supplemental Wages to the Tipped Worker in the amount of the shortfall.
  - c. This Section 3 effectively provides an hourly "tip credit" to a Covered Business up to and no greater than the difference between the Base Wage Rate applicable at a particular time and
  - d. \$2.13, by allowing a Covered Business to treat the amount of such difference as wages it has paid to a Tipped Worker.<sup>5</sup>
3. Health and Other Benefits. The requirements set out above in Sections 1 through 3 shall apply to a Covered Business whether or not the Covered Business provides health and/or other benefits to its Covered Workers.

### D. Effective Date of Workers Wage Policy

The Workers Wage Policy is effective on January 1, 2018. Starting on that date, every Covered Business is obligated to comply with, and to pay its Covered Workers in accordance with, the Workers Wage Policy, as well as these Administrative Rules.

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<sup>5</sup> Under the FLSA, no more than \$5.12 (the current federal hourly minimum wage of \$7.25 less \$2.13) may be used by employers as a "tip credit."

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### V. ADMINISTRATION OF THE WORKERS WAGE POLICY

#### A. Effective Date of Administrative Rules

The effective date of these Administrative Rules is September 1, 2017; provided, that provisions in the rules that require Covered Businesses to pay wages to Covered Workers at an hourly rate no less than the Basic Wage Rate are not effective until January 1, 2018.

#### B. Notices to Covered Workers

1. A Covered Business which is operating on an Airport on December 1, 2017, and will be operating on an Airport on January 1, 2018, shall notify all its Covered Workers of the Airport Workers Wage Program and the Workers Wage Policy, of the policy's Base Wage Rates and of the Covered Business's Workweek no later than December 1, 2017. A Covered Business which begins operating on an Airport after December 1, 2017, shall provide this notice to its Covered Workers within five (5) business days after it begins operations on the Airport. The notice required by this Section 1 shall be in writing and approved in advance by the Authority and shall be delivered by hand or sent by first class mail or e-mail to all Covered Workers of the Covered Business.
2. A Covered Business also shall prominently display, on an ongoing basis, a notice of the Workers Wage Policy and Base Wage Rates, approved in advance by the Authority, at each of its work sites on an Airport. Covered Businesses operating on an Airport on January 1, 2018, shall post such work site notices no later than January 1, 2018; businesses starting operations on an Airport after January 1, 2018, shall post these signs within five (5) business days after its first day of operations.<sup>6</sup>
3. A Covered Business shall inform each newly hired Covered Worker, no later than the worker's fifth (5<sup>th</sup>) day of work on an Airport, of the Workers Wage Policy, the policy's Base Wage Rates and the Covered Business's applicable Workweek. This may be done by providing the Covered Worker the same notice that the Covered Business provided its Covered Workers under Section 1 at the time it first became subject to the Workers Wage Policy.
4. The notice provided under Section 1 and Section 3 shall include a provision informing Covered Workers (i) that they may submit a request to their Covered Business employer, and thereafter to the Authority, in which they seek the review of whether wages they have been paid by the Covered Business are in compliance with the Workers Wage Policy (see Paragraphs E and G of this Part III); (ii) of the identity of the Covered Business employee

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<sup>6</sup> Attachment B contains form notices – for delivery to Covered Employees and for posting at work sites – which may be used by Covered Businesses to provide the notices required by Sections 1 and 2 without obtaining the Authority's advanced approval.



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whom workers may contact to learn how requests for review are to be submitted; and (iii) that their Covered Business employer is prohibited from retaliating against workers for having submitted any such requests or for having participated in or cooperated with an Authority investigation into a Covered Business's non-compliance with the Workers Wage Policy.

5. Evidence that the notice requirements of this Paragraph B have been satisfied shall be placed in the records of the Covered Business.
6. A Covered Business which fails to meet any requirements of this Paragraph B shall be subject to the sanctions provided in Paragraph H below.

### C. Certified Payroll Reports

1. Within fifteen (15) calendar days of the final day of each quarter of calendar year 2018, and of each following calendar year, during which quarter it operates for any period of time on an Airport,<sup>7</sup> a Covered Business shall prepare and execute, and thereafter retain in both a hard and soft (electronic) form readily accessible to the Authority, a Certified Payroll Report that addresses all Pay Periods which concluded in the quarter. The Certified Payroll Report may be in a format chosen by the Covered Business; however, the report shall provide (whether in the body of or as an attachment to the report) the information described below in Section 2 or otherwise clearly demonstrate that the wages paid to Covered Workers for work performed during the Pay Periods addressed by the report complied with the Workers Wage Policy and these Administrative Rules.<sup>8</sup> A Covered Business which operates at more than one Airport and/or conducts multiple operations at an Airport may prepare a single quarterly Certified Payroll Report which covers all its Covered Workers who worked on the Airport or Airports during the quarter. That a Covered Business compensates all its Covered Workers at hourly wage rates in excess of the applicable Base Wage Rate does not excuse it from preparing and certifying, and retaining, Certified Payroll Reports in accordance with this Section 1.

2. A Certified Payroll Report shall, for *each Pay Period* addressed by the report:

(a) identify by name all Covered Workers (including Tipped Workers) of the Covered Business who worked on an Airport during the Pay Period (regardless of the number of hours worked), state the Airport at which they worked, and specifically designate those workers who are Tipped Workers;

(b) provide, for each identified Covered Worker who is not a Tipped Worker, the following information for *each Workweek* in the Pay Period:

- (i) the total hours worked by the worker (including hours of Overtime

<sup>7</sup> The quarters of a calendar year end on March 31, June 30, September 30 and December 31.

<sup>8</sup> A template that Covered Businesses may elect to use in preparing Certified Payroll Reports is set out in Attachment C.



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Work, if any) (Template, Pt. A, col. (1)<sup>9</sup>);

(ii) the total wages actually paid to the worker (including wages for Overtime Work, if any) (Template, Pt. A, col. (2));

(iii) with respect to the hours of non-Overtime Work worked by the worker:

(1) the number of such hours worked (Template, Pt. A, col. (3)); and

(2) the minimum wages to be paid for such hours of work, as required by the Workers Wage Policy (Template, Pt. A, col. (4));

(iv) with respect to the Overtime Hours worked by the worker (if any):

(1) the number of such hours worked (Template, Pt. A, col. (5)); and

(2) the minimum wages to be paid for such hours of work, as required by the Workers Wage Policy (Template, Pt. A, col. (6));

(v) with respect to the total of hours of non-Overtime Work and Overtime Work worked by the worker, the minimum wages to be paid for such hours of work, as required by the Workers Wage Policy (Template, Pt. A, col. (7));

(c) provide, for each identified Covered Worker who is a Tipped Worker, the following information for *each Workweek* in the Pay Period:

(i) the total hours worked by the worker (Template, Pt. B, col. (1));

(ii) the total Direct Wages and Supplemental Wages (if any) paid to the worker for such total hours of work (Template, Pt. B, col. (2));

(iii) the hours of non-Overtime Work worked by the worker, and the Direct Wages actually paid to the worker for such hours of work (Template, Pt. B, cols. (3) and (4));

(iv) the hours of Overtime Work worked (if any) by the worker, and the Direct Wages paid to the worker for such hours of work (Template, Pt. B, cols. (5) and (6));

(v) the total tips received by the worker (Template, Pt. B, col. (7));

(vi) when the total hours worked referenced in clause (i) do not include any hours of Overtime Work, provide:

(1) the compensation for such hours of work actually received by the

<sup>9</sup> References in this Section 2 to “Template” are to the template provided in Attachment C; references to “Pt.” are to Part A or Part B of the template and to “col” are to the numbered columns in Part A or Part B of the template.

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worker from Direct Wages and tips (Template, Pt. B, col. (8));

(2) the minimum compensation to be paid for such hours of work, as required by the Workers Wage Policy (Template, Pt. B, col. (9)); and

(3) the Supplemental Wages (if any) to be paid for such hours of work, as required by the Workers Wage Policy (Template, Pt. B, col. (10));

(vii) when the total hours worked reference in clause (i) include both non-Overtime Hours and Overtime Hours, provide:

(1) the compensation for such hours of work actually received by the worker from Direct Wages and tips (Template, Pt. B, col. (11));

(2) the minimum compensation to be paid for such hours of work, as required by the Workers Wage Policy (Template, Pt. B, col. (12)); and

(3) the Supplemental Wages (if any) to be paid for such hour's work, as required by the Workers Wage Policy (Template, Pt. B, col. (13)).

### 3. A Certified Payroll Report also shall

- (a) contain the certification of the Covered Business that (i) the wages paid to its Covered Workers who are not Tipped Workers, and the Direct Wages and Supplemental Wages (if any) paid to its Tipped Workers, for work performed during all Pay Periods addressed in the payroll report fully comply with the Workers Wage Policy and these Administrative Rules; (ii) information provided in the payroll report demonstrates such compliance, as required by Section 1 above; (iii) all information provided in the report is accurate, truthful and complete; and (iv) the individual executing the report on behalf of the Covered Business is authorized to do so;
- (b) be executed and dated by an officer of the Covered Business or by the manager of the Covered Business's operations at the Airport or, when the payroll report covers a Covered Business's operations at both Airports, the manager of operations at each Airport; and
- (c) be retained by the Covered Business and made available and accessible to the Authority in accordance with the provisions of Paragraphs I and J below.

### 4. The Certified Payroll Report need not include any information relating to health or other benefits provided to Covered Workers.

### 5. A Covered Business which fails to timely prepare and execute a Certified Payroll Report, or executes a Certified Payroll Report without the required certifications, with information which fails to demonstrate compliance with the Workers Wage Policy and the Administrative Rules, or with information, which is not accurate, truthful and complete, or executes a Certified

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Payroll Report which does not meet any other requirements of Sections 1 through 3 above shall be subject to the sanctions provided in Paragraph H below.

### D. Certified Compliance Statement

1. By January 30 of every calendar year, starting in 2019, a Covered Business shall submit a Certified Compliance Statement to the Authority in which it certifies: (i) that the Covered Business is currently in compliance with the Workers Wage Policy and the Administrative Rules; (ii) that the Covered Business timely prepared, executed and certified, for each quarter of the immediately prior calendar year during which quarter it was operating on the Airport, a Certified Payroll Report which satisfied the requirements of Sections 1 through 3 of Paragraph C above (including without limitation the requirement of Section 3(a) that the business certify that all wages paid its Covered Workers during the Pay Periods addressed in the report fully complied with the Workers Wage Policy and the Administrative Rules and that information provided in the report demonstrated such compliance); (iii) that the Covered Business was in compliance with the Workers Wage Policy and the Administrative Rules throughout the immediately prior calendar year or, if applicable, the portion of the year during which it was operating on the Airport; and (iv) that all Certified Payroll Reports prepared by the Covered Business have been retained in accordance with the provisions of Paragraph I below, and are available and accessible to the Authority for inspection and/or audit on reasonable notice. The Certified Compliance Statement shall be executed and dated by an officer of the Covered Business or by the manager of the Covered Business's operations at the Airport addressed by the statement. A Covered Business operating at both Airports may submit a single Certified Compliance Statement covering its operations at both Airports.<sup>10</sup>
2. Certified Compliance Statements shall be submitted to the Authority as provided in Paragraph E of Part IV. If a Covered Business operating at both Airports prepares a single Certified Compliance Statement, it shall submit a copy of the statement to each Airport, as provided in said Paragraph E.
3. A Covered Business that fails to timely submit a Certified Compliance Statement to the Authority, submits a statement which lacks the certifications identified in Section 1, or submits a statement which is not accurate, truthful and complete shall be subject to the sanctions provided in Paragraph H below.

### E. Allegation of Non-Compliance

1. Any Covered Worker who believes that the worker's Covered Business employer has not paid the worker in compliance with the Workers Wage Policy, and who has met the requirements of Section 2 below, may submit to the Authority a written Request for Authority Review in

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<sup>10</sup> Attachment D contains a form "Certified Compliance Statement" which Covered Businesses may use in preparing the statement required by Section 1.

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which the worker asks the Authority to review certain wages the worker has been paid by the Covered Business and to determine whether the wages were in compliance with the Workers Wage Policy and the Administrative Rules. A Request for Authority Review shall contain the information described in Section 3 below and may be submitted by a Covered Worker to the Authority only after the Covered Worker has given the worker's employer the opportunity, as described in Section 2, to address the wages which are the subject of the Request for Authority Review.

2. Prior to submitting a Request for Authority Review:

i. a Covered Worker must present a written request to the worker's Covered Business employer that it review the worker's belief that the worker has not, or may not have, been paid wages in compliance with the Workers Wage Policy;<sup>11</sup> and

ii. the Covered Business must either have (i) rejected the worker's belief in a written document that is provided to the worker or (ii) failed to act on the worker's request within ten (10) business days of the Covered Business's receipt of the request.

A Covered Business which receives a Covered Worker's request for review under this Section 2 shall conduct a reasonable, good faith review of the request and respond in writing to the request within ten (10) business days of its receipt of the request. In the event the Covered Business agrees with the worker's belief set out in a request for review, it shall immediately pay the worker all wages improperly withheld and take steps to ensure that its future wage payments to the worker are in compliance with the Workers Wage Policy and the Administrative Rules.

3. Within thirty (30) calendar days of the date on which the Covered Worker receives the Covered Business's written rejection of the worker's request for review under Section 2 or on which the 10-business-day period for the Covered Business to act on the request has expired, the Covered Worker may submit to the Authority a Request for Authority Review. A Request for Authority Review must: (i) be in writing; (ii) identify the Covered Business which employs the Covered Worker who is making the request; (iii) identify the Airport at which the worker works; (iv) state the reasons why the worker believes that the Covered Business has paid wages to the worker which do not comply with the Workers Wage Policy; (v) identify each Pay Period during which the Covered Worker believes that non-compliant wages have been paid; and (vi) state that the Covered Worker has provided the Covered Business an opportunity to address the worker's belief of non-compliance, as provided in Section 2, and include a copy of the Covered Business's written response (if any) rejecting the worker's belief.<sup>12</sup>

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<sup>11</sup> Attachment E contains a form "Covered Worker Request for Covered Business Review" which Covered Workers may use to request their Covered Business employer to review wages the workers have been paid.

<sup>12</sup> Attachment F contains a form "Covered Worker Request for Authority Review" which Covered Workers may use to request an Authority review of wages they have been paid.

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4. Based on its review of the Request for Authority Review, the Authority may determine that the request lacks merit or decide to conduct an inquiry into the Covered Business's compliance with the Workers Wage Policy. The inquiry may include, without limitation, a review of Certified Payroll Reports and Certified Compliance Statements prepared by the Covered Business and of other records and information relating to the Covered Business's compliance with the Workers Wage Policy, as well as interviews of Covered Business's personnel. A Covered Business which is the subject of a Request for Authority Review shall cooperate with the Authority in any inquiry it determines to conduct. At the conclusion of an inquiry, the Authority will determine whether or not there is a reasonable basis to believe that the Covered Business has failed to comply with the Workers Wage Policy. In the event of an affirmative Authority determination, a Notice of Non-Compliance may be issued to the Covered Business under Paragraph G below.

### F. Retaliation

1. A Covered Business shall not threaten to take, and shall not take, any action adverse (defined below) to a Covered Worker on account of or due to the worker's
  - (i) having submitted a request for review with the Covered Business under Section 2 of Paragraph E above,
  - (ii) having submitted a Request for Authority Review under Sections 1 and 3 of Paragraph E,
  - (iii) having participated in or cooperated with an Authority investigation in connection with any such request for review, or (iv) having otherwise acted in a manner intended to bring about or ensure a Covered Business's compliance with the Workers Wage Policy and the Administrative Rules. Action will be considered "adverse" to a Covered Worker if it constitutes the termination or suspension of the worker's employment, a reduction in the worker's hours of work, a reduction in the worker's opportunities for work (including Overtime Work), and similar actions having a negative effect on the worker's compensation,
2. Any Covered Worker who believes that the worker's Covered Business employer has retaliated against the worker in violation of Section 1 above may submit to the Authority a written charge in which the worker identifies the Covered Business employer and briefly summarizes the nature of the employer's retaliation, the events and circumstances surrounding the retaliation, and the effects which the retaliation have had upon the worker.
3. Based on its review of a Covered Worker's charge, the Authority may determine that the charge lacks merit or decide to conduct an inquiry into the charge. The Covered Business identified in the charge shall cooperate with the Authority in any inquiry it determines to

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conduct. At the conclusion of the inquiry, the Authority shall determine whether there is a reasonable basis to believe that the Covered Business has retaliated against the worker. In the event of an affirmative Authority determination, a Notice of Non-Compliance may be issued to the Covered Business under Paragraph G below.

G. Authority Notice of Non-Compliance; Final Determination

1. Whenever the Authority has a reasonable basis to believe that a Covered Business has failed to comply with the Workers Wage Policy or these Administrative Rules, or both, including without limitation following the Authority's receipt of a Request for Authority Review submitted under Paragraph E, its receipt of a charge of retaliation submitted under Paragraph F, or an inspection and/or audit conducted under Paragraph J of this Part III, the Authority shall provide a written Notice of Non-Compliance to the Covered Business that describes the Covered Business's non-compliance which the Authority believes has occurred and the basis for the Authority's belief. In addition, whenever the Authority has determined that a Covered Business has engaged in "repeated violations" of the Workers Wage Policy or the Administrative Rules (see Section 1(d) of Paragraph H below), it shall provide a written Notice of Non-Compliance to the Covered Business that contains the Authority's determination and provides the basis for the determination.
2. Upon receipt of a Notice of Non-Compliance, the Covered Business shall have fifteen (15) calendar days to make a written submission to the Authority in which it:
  - (a) demonstrates that it has cured its non-compliance with the Workers Wage Policy and the Administrative Rules, including, as applicable: (i) when the Covered Business's non-compliance consists of a failure to pay wages as required by the Workers Wage Policy and the Administrative Rules, by acknowledging its failure to pay the required wages, identifying the Covered Workers who had not received wages at the required level, stating that it has paid all such workers the wages which had been improperly withheld, and, for each worker, stating the amount of wages paid and providing the calculation of the amount; (ii) when the Covered Business's non-compliance consists of its failure to comply with one or more other requirements of the Workers Wage Policy or of the Administrative Rules, by informing the Authority that it has cured all such non-compliance and describing, for each requirement it had failed to meet, the actions it has taken to cure, rectify or otherwise remedy the failure; and (iii) when the Covered Business's non-compliance consists of "repeated violations" of the Workers Wage Policy or the Administrative Rules, by presenting a plan of remedial actions, acceptable to the Authority, that will bring to an end the Covered Business's pattern of repeated violations; or
  - (b) states its decision to contest the Notice of Non-Compliance.
3. In the event a Covered Business decides to contest a Notice of Non-Compliance, the



## Airport Workers Wage Policy

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Authority shall meet with one or more representatives of the Covered Business in order to provide an opportunity for the business to present the reasons it believes it has not engaged in the non-compliance described in the Notice of Non-Compliance, and shall take other steps it deems appropriate to assist it in determining whether the Covered Business has failed to comply with the Workers Wage Policy and the Administrative Rules, as presented in the Notice of Non- Compliance

4. The Authority will seek to issue a written final determination on the matters presented in a Notice of Non-Compliance (“Final Determination”) within forty-five (45) calendar days of the date on which it received notice of the Covered Business’s decision to contest the Notice of Non-Compliance given under Section 2(b) above.
5. A Final Determination shall be the Authority’s final decision on the non- compliance matters presented in a Notice of Non-Compliance. No further review of such matters will be undertaken by the Authority; nor will the Authority undertake any review of the Final Determination.

### H. Administrative Sanctions for Violations; Civil Enforcement Actions

1. When the Authority issues a Final Determination that a Covered Business has failed and/or is failing to comply with the Workers Wage Policy or the Administrative Rules, or both, such non-compliance shall be considered a violation of the policy or rules by the Covered Business and, as administrative sanctions for any such violation, the Authority may take the following actions, as applicable:
  - (a) require the Covered Business, by a specified date, to make full payment to any Covered Worker of all wages improperly withheld from the worker in violation of the Workers Wage Policy and the Administrative Rules, along with interest on the withheld wages calculated at an annual rate of five percent;
  - (b) require the Covered Business, by a specified date, to take one or more specified actions to remedy other violations of the Workers Wage Policy or the Administrative Rules;
  - (c) require the Covered Business, by a specified date, to pay an administrative fine to the Authority for its violations of the Workers Wage Policy or the Administrative Rules, as follows: a fine of \$50 for a violation which has not been preceded by a violation by the business during the prior twelve (12) months (“First Violation”); a fine of \$200 for each of the business’s second through fifth violations occurring within twelve (12) months of a First Violation; and a fine of \$350 for each of its additional violations after such a fifth violation which occurs within twelve (12) months of the immediately preceding violation. These administrative fines are intended to offset the costs the Authority incurs in administering and enforcing the Workers Wage Policy and the Administrative Rules; and
  - (d) for “repeated violations” (defined below) by a Covered Business of the



## Airport Workers Wage Policy

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Workers Wage Policy or the Administrative Rules and, in addition, in the event a Covered Business fails to timely satisfy any requirement imposed by the Authority pursuant to subsection (a), (b) or (c), initiate and pursue actions to suspend or terminate the Covered Business's permit (including without limitation a Commercial Aviation Services Permit), lease of premises at an Airport, contract with the Authority, or other Authority authorization permitting it to conduct its business on an Airport, in accordance with the applicable provisions of such permit, lease, contract or other authorization. Ten or more violations of the Workers Wage Policy or the Administrative Rules occurring within any 12-month period shall constitute "repeated violations" of the policy or rules.

2. A Covered Business's failure to compensate a Covered Worker (including a Tipped Worker) for work in a Workweek as required by the Workers Wage Policy and the Administrative Rules shall constitute a single violation of the Workers Wage Policy and the Administrative Rules. Thus, for example, a Covered Business's failure to compensate a Covered Worker at an hourly rate no less than the applicable Base Wage Rate during three Workweeks would constitute three violations of the Workers Wage Policy and the Administrative Rules, regardless of the number of hours in any of the Workweeks for which a non-compliant hourly wage was paid to the worker
3. In the event a Covered Business fails to comply with any requirements imposed upon it by the Authority pursuant to subsection (a), (b) or (c) of Section 1, or a Covered Business, upon the termination of its permit, lease, contract or other Authority authorization (as provided in subsection (d) of Section 1), fails to vacate the premises it is occupying on an Airport and cease operating its business on the Airport, as the Authority has directed, the Authority may institute a civil action against the Covered Business in the courts of the Commonwealth of Virginia seeking, without limitation, a court order requiring the Covered Business to (i) comply with the requirements imposed by the Authority (including without limitation making payment to its Covered Workers of all wages improperly withheld in violation of the Workers Wage Policy and the Administrative Rules), (ii) vacate the premises it is occupying on an Airport, (iii) cease operating its business on the Airport, and (iv) otherwise remedy its non-compliance with the Workers Wage Policy and the Administrative Rules. The fact that a Covered Business's permit, lease, contract or other Authority authorization has been terminated or has expired shall not preclude the Authority from filing and pursuing a civil action under this Section 3 against the Covered Business
4. As adopted by the Board of Directors, the Workers Wage Policy does not have the force and effect of law. Therefore, any violation of the policy or these Administrative Rules is not, and shall not be construed to be, a violation of law or a criminal offense and shall not be subject to any criminal sanctions.

### I. Recordkeeping; Access to Records

## Airport Workers Wage Policy

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1. Covered Businesses shall retain each of the Certified Payroll Records they prepare in both printed and electronic form, as well as the printed and electronic records, books and other information used in the preparation of such payroll record, for three years following the date on which the record was signed and certified by a representative of the businesses
2. Covered Businesses shall make their Certified Payroll Records, as well as the printed and electronic records, books and other information used in the preparation of such payroll records or otherwise related to the Covered Business's payment of wages to Covered Workers, available for inspection and/or copying promptly upon request by the Authority.

### J. Authority Inspections and Audits

The Authority shall have the right at any time, upon reasonable notice, to inspect and/or audit the Certified Payroll Records maintained by a Covered Business, as well as the printed and electronic records, books and other information used in the preparation of such payroll records or otherwise related to the Covered Business's payment of wages to Covered Workers, in order to ensure that the Covered Business has been and is in compliance with the Workers Wage Policy and the Administrative Rules. A Covered Business shall make its Certified Payroll Records, as well as the printed and electronic records, books and other information referenced above, available to the Authority for review and copying during any such inspection and audit.

## V. MISCELLANEOUS PROVISIONS

### A. No Cause of Action or Enforceable Rights; Use of Authority Final Determination

Nothing in the Workers Wage Policy or these Administrative Rules is intended to create, or shall be construed to create, any cause of action or any right or remedy enforceable in a court of law for the benefit of, or to be exercised by, any Covered Worker or Covered Business. In addition, any Final Determination of the Authority under Paragraph G of Part III of these Administrative Rules is not to be used in any judicial or administrative proceedings other than in civil actions under Paragraph H of such part,

### B. No Effect on Obligations of Covered Businesses to Comply with Applicable Law

Nothing in the Workers Wage Policy or these Administrative Rules is intended, or shall be construed, to have any effect on the obligations of Covered Businesses to comply with all applicable federal, state and local laws and, in the event of a conflict or inconsistency between any such law and the Workers Wage Policy or Administrative Rules, the law shall prevail and control. For instance, if federal law were amended to impose a minimum wage rate higher than an applicable Base Wage Rate under the Workers Wage Policy, Covered Businesses would be obligated to pay the higher federal wage rate; similarly, if federal law or regulations were amended to require employers to pay Direct Wages to Tipped Workers based on an hourly wage rate higher than \$2.13 (see Part II, Paragraph C, Section 3), Covered Businesses would be obligated to pay Direct Wages to such workers using the higher federal hourly rate

## Airport Workers Wage Policy

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### C. No Effect on Certain Obligations of Authority

The provisions of the Workers Wage Policy and these Administrative Rules are not intended to provide, and shall not be construed as providing, any grounds or basis for a Covered Business to obtain an amendment to a permit, a lease of premises on an Airport, a contract with the Authority or any other authorization permitting the Covered Business to operate its business on an Airport, unless the Authority agrees to the amendment

### D. Incorporation of Workers Wage Policy and Administrative Rules

As of the September 1, 2017, effective date of these Administrative Rules, the Workers Wage Policy (with its effective date of January 1, 2018) and the Administrative Rules shall be deemed to have been incorporated into the permits (including without limitations the Commercial Aviation Services Permits), leases, contracts and any other authorizations given by or through the Authority which permit Covered Businesses to operate their businesses on an Airport, as if the policy and rules were specifically set out therein. In addition, the Workers Wage Policy and the Administrative Rules, including as they may be amended from time to time, constitute rules, regulations, directives and requirements of the Authority with which Covered Businesses are required to comply under the terms of the permit, lease, contract or other instrument, issued or executed by the Authority, that authorizes the businesses to conduct their business on an Airport.

### E. Submissions to Authority

1. The submission of materials which are required or allowed by these Administrative Rules to be submitted to the Authority by Covered Businesses and Covered Workers, and which involve or relate to a Covered Business operating at Dulles International Airport shall be made to

Metropolitan Washington Airports Authority  
Washington Dulles International Airport  
P.O. Box 17045  
Washington, DC 2004 1-0045  
Attention: Manager, Airport Administration Department

2. The submission of materials which are required or allowed by these Administrative Rules to be submitted to the Authority by Covered Businesses and Covered Workers, and which involve or relate to a Covered Business operating at Reagan National Airport shall be made to

Metropolitan Washington Airports Authority  
Ronald Reagan Washington National Airport  
Washington, DC 2000 1-6000  
Attention: Manager, Airport Administration Department

3. Materials shall be submitted to the addresses in Sections 2 and 3 by sending them via first class mail, postage prepaid

### F. Amendments to Workers Wage Policy and Administrative Rules

## Airport Workers Wage Policy

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The Authority reserves the right to amend the Workers Wage Policy and these Administrative Rules, at its discretion, from time to time.

**List of Attachments**

- A Commercial Aviation Services
- B(1) Form – Notice of Airport Workers Wage Program to Covered Workers of Covered Business
- B(2) Form – Notice of Airport Workers Wage Program for Posting at Work Sites of Covered Business
- C Template for Information Presented in Certified Payroll Report D  
Form – Certified Compliance Statement
- E Form – Covered Worker Request for Covered Business Employer Review F  
Form – Covered Worker Request for Authority Review

## **Attachment A**

### **COMMERCIAL AVIATION SERVICES**

The following services are examples of on-Airport aviation support services that Covered Businesses provide to airlines delivering commercial air transportation at the Airports.

1. Passenger Handling Services: Services including, but not limited to, selling of airline tickets; check-in of passengers for departure on aircraft through examination of tickets or other documentation; receipt and dispatch of baggage; general assistance to passengers through dissemination of information or arrangement for ground transportation or associated services; services related to U.S. Customs inspection; airline club staffing and related food and beverage services; and such other services as may reasonably be interpreted as falling in this general classification of passenger handling services.

2. Aircraft Services: Services including, but not limited to, loading and unloading of passengers, baggage, and freight to and from aircraft; coordination of requirements for Airport mobile lounge services; assistance in the receipt, manifest, loading and unloading of cargo and mail, including services relevant thereto; provision of aircraft deicing; assistance in U.S. Customs inspection of cargo; cleaning of exterior and interior of aircraft and interior accessories, such as lavatory equipment; replacement of aircraft drinking water; and such other services as may reasonably be interpreted as falling in this general classification of aircraft services.

3. Crew Handling Services: Services including, but not limited to, transporting crew members between points within the Airport boundaries, or coordinating other transportation requirements for crew members; assistance in processing of necessary documentation relative to the operation of particular aircraft; arranging for quarters or waiting areas for crew members; and such other services as may reasonably be interpreted as falling in this general classification of crew handling services.

4. Custodial Services: Services including, but not limited to, window washing, interior cleaning of operations or office space, removal of trash, dusting of furniture and/or equipment, and such other services as may reasonably be interpreted as falling in this general classification of custodial services.

5. Equipment Maintenance Services: Services including, but not limited to, maintaining and repairing ground support equipment, such as vehicles, tugs, baggage carts, special-purpose vehicles, and other types of ground maintenance equipment, and such other services as may reasonably be interpreted as falling in this general classification of equipment maintenance services.

6. Specialized Services: Services including, but not limited to, operating ground handling equipment, such as passenger loading ramps, power units, air start units, generators, baggage carts, tugs, forklifts, service trucks, and passenger vehicles; ramp scrubbing and cleaning; trash and debris removal; snow removal within ramps and premises leased to airlines; tow-out service; on-Airport preparation of in-flight meals; handling of mishandled passenger baggage; and such other services as may reasonably be interpreted as falling in this general classification of specialized services.

## **Attachment B – (1)**

### **Form – Notice of Airport Workers Wage Program to Covered Workers of Covered Business**

2020

#### **NOTICE TO EMPLOYEES OF OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY'S AIRPORT WORKERS WAGE PROGRAM**

This notice is to inform you of the Airport Workers Wage Program of the Metropolitan Washington Airports Authority (MWAA). MWAA is the organization which operates Reagan National Airport and Dulles International Airport. The Airport Workers Wage Program applies to both Airports.

1. What is the purpose of the MWAA Airport Workers Wage Program? The Airport Workers Wage Program requires certain businesses which operate on Reagan National or Dulles International Airport (Covered Businesses) to compensate their employees who work on the Airport at an hourly wage rate that is *no less than* what the program calls a “Base Wage Rate.”

2. What is this Base Wage Rate? The Airport Workers Wage Program defines a series of hourly Base Wage Rates. The Base Wage Rate in effect during 2018 is \$11.55; the rate in effect during 2019 is \$12.15; and the rate during 2020 is \$12.75; the rate in effect during 2021 is \$13.50; the rate in effect during 2022 is \$14.25; and, the rate in effect in 2023 is \$15.00. In each year after 2023, the Base Wage Rate is to be adjusted to reflect changes in the cost of living.

3. How does the Airport Workers Wage Program apply to tipped employees? Tipped employees are employees who receive tips from Airport passengers and other patrons and who have received *a separate notice* from their Covered Business employer stating that it considers their tips to be part of their wages. The Airport Workers Wage Program requires such employers to pay their tipped employees no less than \$2.13 in direct wages for each hour of work in a workweek and, in addition, to ensure that the combination of these direct wages and the tips received by the tipped employees provides an amount of compensation for the workweek that is no less than the compensation required by the program. If this combination of direct wages and tips results in an amount of compensation that falls short of what the Airport Workers Wage Program requires, the employer is to make up the shortfall.

4. How does the Airport Workers Wage Program apply to overtime work? The Airport Workers Wage Program requires that employers use the Base Wage Rate in calculating the overtime pay for employees whose regular pay is based on the Base Wage Rate. Thus, employees whose regular pay is based on the Base Pay Rate are to receive overtime pay at an hourly rate of 1.5 times the Base Wage Rate for hours worked over 40 hours in a workweek. For example, in 2018, employees receiving the 2018 Base Wage Rate of \$11.55 for their regular, non-overtime work are to be paid \$17.33 an hour for overtime work. Our workweek is defined as the seven consecutive 24-hour periods running from a.m./p.m. on to

a.m./p.m. on .



5. What may employees do if they believe they are not being paid as required by the Airport Workers Wage Program? The Airport Workers Wage Program allows employees who believe they are not being paid wages at the level required by the program to present their belief to their Covered Business employer in writing. The employer is then required to review the circumstances presented by an employee and to decide whether the wages it paid the employee are in compliance with the Airport Workers Wage Program. The employer has ten (10) business days to review the employee's wages and respond to the employee. If an employer finds that the wages paid are less than what the Airport Workers Wage Program requires, the employer is to pay the amount of the shortfall to the employee. If, on the other hand, the employer concludes that the wages paid are not less than those required by the program, it is to convey this conclusion, as well as the reasons for it, in writing to the employee.

Any of our employees who believe they have been paid wages that are less than the wages required by the Airport Workers Wage Program may contact the following individual:

Name	Position	Phone #	Email address
This individual will provide information to employees on how to request that we review their wages for compliance with the Airport Workers Wage Program. In addition, at the MWAA website identified below in paragraph 8, employees will find a form they may use to request that we undertake a review of wages they have received.			

6. What may employees do if their employer concludes that the wages in question are in compliance with the Airport Workers Wage Program? In this situation, employees may request MWAA to review the wages. Employees wishing to make such a request to MWAA (which can only be made after having presented the same request to us) will find a form on the MWAA website identified in paragraph 8 that they may use in presenting the request to MWAA. Alternatively, employees may contact the following MWAA offices:

For our employees at Reagan National—  
Manager, Airport Administration Dept.  
DCAworkerswageprogram@MWAA.com

For our employees at Dulles International—  
Manager, Airport Administration Dept.  
IADworkerswageprogram@MWAA.com

7. What about retaliation? The Airport Workers Wage Program prohibits a Covered Business employer from taking, or threatening to take, any action which is adverse to its employees because they have requested the employer or MWAA to review their wages or have cooperated with MWAA in its review of a request. Employees who believe they have been subjected to such retaliation may submit a written charge to MWAA. An employee wishing to make such a charge should contact the appropriate MWAA office identified in paragraph 6.

8. How can I learn more about the Airport Workers Wage Program? Employees may learn more about the Airport Workers Wage Program by consulting the MWAA website at <http://www.MWAA.com/workerswageprogram>.

Attachment B – (2)

Form – Notice of Airport Workers Wage Program to be Posted  
at Work Sites of Covered Business

# Airport Workers Wage Program of Metropolitan Washington Airports Authority

**This poster is to be placed at employee work sites  
where employees can readily see it.**

<b>COVERED EMPLOYEES</b>	Employees who regularly work on Reagan National or Dulles International Airport for on-Airport businesses that provide commercial aviation support services to airlines or concession services to the public are covered by the Airport Workers Wage Program.
<b>REGULAR WORK PAY</b>	Regular work in a workweek by covered employees is to be compensated at no less than the “Base Pay Rate” in effect when the work is performed. The Base Pay Rate, which increases annually, is described above in this notice.
<b>OVERTIME WORK PAY</b>	Overtime work in a workweek by covered employees is to be compensated at no less than 1.5 times the applicable Base Pay Rate.
<b>TIPPED EMPLOYEE PAY</b>	Covered employees who receive tips as part of their compensation and meet certain conditions – “tipped employees” – are to be paid direct wages by their employer at no less than \$2.13 per hour for hours worked. Generally, if the combination of the average tips per hour received by employees in a workweek and the per hour direct wages paid by their employer for the week is less than the applicable Base Wage Rate, the employer is to make up the difference.
<b>COMPLAINTS</b>	Covered employees who believe they have been paid wages at less than the applicable Base Wage Rate may request their employer and, if necessary, MWAA to review those wages for compliance with the Airport Workers Wage Program. Employers of covered employees may not retaliate against employees for having asked that their wages be reviewed for compliance with the Airport Workers Wage Program.
<b>ADDITIONAL INFORMATION</b>	Information and materials regarding the Airport Workers Wage Program are posted on the MWAA website at <a href="http://www.MWAA.com/workerswageprogram">http://www.MWAA.com/workerswageprogram</a> .

## **Attachment C**

### **Template for Information Presented in Certified Payroll Report**

1. Non-Tipped Covered Employees – Per Workweek Information
2. Tipped Covered Employees – Per Workweek Information

A. Information for *each non-Tipped Covered Worker*, for *each* Workweek in *each* Pay Period addressed by Certified Payroll Report

Non-Tipped Covered Worker						
Workweek # __ in Pay Period Starting on __, 20__, and Ending on __, 20__						
Hours and Wages		Non-OT Hours Worked in Workweek		OT Hours Worked in Workweek		Minimum Wages Due for Workweek under AWWP
(1) Total hours worked	(2) Total wages received <sup>1</sup>	(3) Non-OT hours worked	(4) Minimum wages for non-OT work required by AWWP [(BWR x (3)) <sup>2</sup>	(5) OT hours worked	(6) Minimum wages for OT work required by AWWP [(1.5 x BWR x (5))	(7) Minimum wages for all work required by AWWP [(4) + (6)]
Example 1 (no OT work; BWR is paid)						
36	\$415.80	36	(\$11.55 x 36) = \$415.80	0	0	\$415.80 + 0 = \$415.80
Example 2 (OT work; > BWR is paid)						
48	\$725.00	40	(\$11.55 x 40) = \$462	8	(1.5 x \$11.55 x 8) = \$138.60	\$462 + \$138.60 = \$600.60

<sup>1</sup> The amount in column (2) should equal or exceed the amount in column (7).

<sup>2</sup> In this Template, AWWP refers to the Airport Workers Wage Policy; BWR refers to Base Wage Rate; and the BWR used in the "examples" is the hourly rate for 2018, \$11.55.



# Attachment C

B. Information for *each Tipped Covered Worker*, for *each* Workweek in *each* Pay Period addressed by Certified Payroll Report

Tipped Covered Worker												
Workweek # ___ in Pay Period Starting on ____, 20__, and Ending on ____, 20__												
Hours and Wages		Non OT Hours Worked in Workweek		OT Hours Worked in Workweek		Tips Received in Workweek	If No OT Work is Performed in Workweek: Compensation from Wages and Tips			If OT Work is Performed in Workweek: Compensation from Wages and Tips		
(1) Total hours worked	(2) Total wages (Direct and Supplemental) received <sup>1</sup>	(3) Non-OT hours worked	(4) Direct Wages received for non-OT hours worked <sup>2</sup>	(5) OT hours worked	(6) Direct Wages received for OT hours worked <sup>2</sup>	(7) Total tips received	(8) Compensation received for non-OT work from Direct Wages and tips [(4) + (7)]	(9) Minimum compensation for non-OT work required by AWWP [BWR x (1)]	(10) Supplemental Wages required to ensure compensation for non-OT work is no less than required by AWWP <sup>3</sup> [(9) - (8)]	(11) Compensation received for non-OT and OT work from Direct Wages and tips [(4) + (6) + (7)]	(12) Minimum compensation for non-OT and OT work required by AWWP [(BWR x 40) + (1.5 x BWR x (5))]	(13) Supplemental Wages required to ensure compensation for non-OT and OT work is no less than required by AWWP <sup>3</sup> [(12) - (11)]
Example 1 (no overtime work; Supplemental Wages required)												
32	\$113.60	32	\$68.16	0	0	\$256	\$68.16 + \$256 = \$324.16	\$11.55 x 32 = \$369.60	\$369.60 - \$324.16 = \$45.44	NA	NA	NA
Example 2 (overtime work; Supplemental Wages required)												
52	\$201.90	40	\$85.20	12	\$25.56	\$468	NA	NA	NA	\$85.20 + \$25.56 + \$468 = \$578.76	\$462 + \$207.90 = \$669.90	\$669.90 - \$578.76 = \$91.14
Example 3 (overtime work; no Supplemental Wages required)												
52	\$110.76	40	\$85.20	12	\$25.56	\$580	NA	NA	NA	(\$85.20) + (\$25.56) + (\$580) =	(\$462) + (\$207.90) = \$669.90	\$669.90 - \$690.76 = (\$20.86) -

<sup>1</sup> The amount in column (2) should equal or exceed the sum of (i) the amounts in columns (4) and (6) and (ii) the amount, if any, in either column (10) or (13), whichever is applicable.

<sup>2</sup> In the examples in this Part B of the Template, Direct Wages are calculated using an hourly rate of \$2.13.

<sup>3</sup> If the calculations in columns (10) and (13) result in a negative number, no Supplemental Wages are payable, and the columns should show the number "0."

## **Attachment D**

### **Form – Certified Compliance Statement**

#### **CERTIFIED COMPLIANCE STATEMENT OF A COVERED BUSINESS PREPARED PURSUANT TO AIRPORT WORKERS WAGE PROGRAM**

Name of Covered Business (“Business”): \_

Calendar year for which this statement is being prepared (“Calendar Year”): \_

Airport at which the Business operated during the Calendar Year (“Airport”): \_

(If both Airports, check here: \_ ; in this case, the term “Airport” herein means both Airports)

I, \_\_\_\_\_, on behalf of the Business, hereby certify, to the best of my knowledge, information and belief, the following:

1. The Business is, as of the date on which I am executing this Certified Compliance Statement, in compliance with the Airport Workers Wage Policy (“Policy”) and the Policy’s Administrative Rules (“Rules”);

2. The Business was in compliance with the Policy and the Rules throughout the time it was operating on the Airport during the Calendar Year;

3. The Business timely prepared, executed and certified, for each quarter of the Calendar Year during which quarter (or part thereof) it was operating on the Airport, a Certified Payroll Report (as defined in the Rules) which satisfied the requirements of Sections 1 through 3 of Paragraph C, Part III, of the Rules (including without limitation the requirement that the Business certify (i) that all wages paid its Covered Workers during the pay periods addressed in the payroll report fully complied with the Policy and the Rules, and (ii) that information provided in the payroll report demonstrated such compliance);

4. The Business has retained all Certified Payroll Reports referenced above in Paragraph 3 in accordance with the Rules, and these payroll reports are available and accessible to the Airports Authority for inspection and/or audit on reasonable notice; and

5. I am an officer of the Business or the manager of the Business’s operations at the Airport and am authorized to execute this Certified Compliance Statement on behalf of the Business.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## **Attachment E**

### **Form – Covered Worker Request for Covered Business Employer Review**

#### **COVERED WORKER REQUEST FOR COVERED BUSINESS EMPLOYER REVIEW**

This form may be used by workers employed by a business employer operating at Reagan National or Dulles International Airport which is subject to the Airports Authority's Airport Workers Wage Program ("Program") who believe they have received wages from their employer that do, or may, not comply with the Program, and who seek to have their employer review those wages for compliance with the Program.

This form, when completed by workers, should be submitted to their employer.

\* \* \* \* \*

Name of worker making this request ("You"/"Your"): \_

Name of your employer ("Employer"): \_

Airport at which You work for Employer: \_\_\_\_\_

With respect to the wages you received which you believe do, or may, not comply with the Program ("Wages"):

State the total amount of the Wages: \_\_\_\_\_

For each pay workweek during which the Wages were paid, state the workweek's starting and ending dates and the amount of Wages received for work in the workweek:

State the reasons You believe the Wages do not comply with requirements of the Program:

(If needed, continue on sheets You attach to this form.)

Your Signature

Date



## **Attachment F**

### **Form – Covered Worker Request for Authority Review**

#### **COVERED WORKER REQUEST FOR AUTHORITY REVIEW**

This form may be used by workers employed by a business employer operating at Reagan National or Dulles International Airport which is subject to the Airports Authority's Airport Workers Wage Program ("Program") who believe they have received wages from their employer that do, or may, not comply with the Program, and who seek to have the Airports Authority review those wages for compliance with the Program. Workers may not seek an Airports Authority review of their wages until after they have requested a review by their employer.

This form, when completed by workers, should be submitted by mail to the Airport where they work, as follows:

If Reagan National:

Ronald Reagan Washington National Airport  
Washington, DC 20001-6000  
Attention: Manager, Airport Administration  
Department

If Dulles International:

Washington Dulles International Airport  
P.O. Box 17045  
Washington, DC 20041-0045  
Attention: Manager, Airport Administration  
Department

\* \* \* \* \*

Name of worker making this request ("You"/"Your"): \_\_\_\_\_

Your email address: \_\_\_\_\_

Name of your employer ("Employer"): \_\_\_\_\_

Airport at which You work for Employer: \_\_\_\_\_

Date on which You began working for Employer at the Airport: \_\_\_\_\_

Have you requested Your Employer to review your belief that you have, or may have, been paid wages which do not comply with requirements of the Program? \_\_\_\_ Yes \_\_\_\_ No

If yes, did Your Employer respond to your request: \_\_\_\_ Yes, \_\_\_\_ No

If Your Employer did respond:

State the date You received the response: \_\_\_\_\_

If the response was in writing, attach a copy of the written response

If the response was verbal, describe the verbal response: \_\_\_\_\_

(If needed, continue on sheets You attach to this form.)

With respect to the wages You received which You believe do not comply with requirements of the Program (“Wages”):

State the total amount of the Wages: \_\_\_\_\_

For each workweek during which the Wages were paid, state the workweek’s starting and ending dates and the amount of Wages You received for work in the workweek:

State the reasons You believe the Wages do not comply with requirements of the Program:

(If needed, continue on sheets You attach to this form.)

Your Signature

Date