

# Code of the District of Columbia (Unofficial)

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## § 32–1003. Requirements.

(a) (1) Except as provided in subsection (h) of this section, as of January 1, 2005, the minimum wage required to be paid to any employee by any employer in the District of Columbia shall be \$6.60 an hour, or the minimum wage set by the United States government pursuant to the Fair Labor Standards Act (29 U.S.C. § 206 et seq.) ("Fair Labor Standards Act"), plus \$1, whichever is greater.

(2) Except as provided in subsection (h) of this section, as of January 1, 2006, the minimum wage required to be paid to any employee by any employer in the District of Columbia shall be \$7 an hour, or the minimum wage set by the United States government pursuant to the Fair Labor Standards Act, plus \$1, whichever is greater.

(3) Except as provided in subsection (h) of this section, as of July 1, 2014, the minimum wage required to be paid to any employee by any employer in the District of Columbia shall be \$9.50 an hour, or the minimum wage set by the United States government pursuant to the Fair Labor Standards Act, plus \$1, whichever is greater.

(4) Except as provided in subsection (h) of this section, as of July 1, 2015, the minimum wage required to be paid to any employee by any employer in the District of Columbia shall be \$10.50 an hour, or the minimum wage set by the United States government pursuant to the Fair Labor Standards Act, plus \$1, whichever is greater.

(5) Except as provided in subsection (h) of this section, as of July 1, 2016, the minimum wage required to be paid to any

employee by any employer in the District of Columbia shall be \$11.50 an hour, or the minimum wage set by the United States government pursuant to the Fair Labor Standards Act, plus \$1, whichever is greater.

(6) (A) Except as provided in subsection (h) of this section, beginning on July 1, 2017 and no later than July 1 of each successive year, the minimum wage provided in this subsection shall be increased in proportion to the annual average increase, if any, in the Consumer Price Index for All Urban Consumers in the Washington Metropolitan Statistical Area published by the Bureau of Labor Statistics of the United States Department of Labor for the previous calendar year. Any increase under this paragraph shall be adjusted to the nearest multiple of \$.05.

(B) The Mayor shall publish in the District of Columbia Register and make available to employers a bulletin announcing the adjusted minimum wage rate as provided in this paragraph. The bulletin shall be published at least 30 days before the annual minimum wage rate adjustment.

(b) A person shall be employed in the District of Columbia when:

(1) The person regularly spends more than 50% of their working time in the District of Columbia; or

(2) The person's employment is based in the District of Columbia and the person regularly spends a substantial amount of their working time in the District of Columbia and not more than 50% of their working time in any particular state.

(c) No employer shall employ any employee for a workweek that is longer than 40 hours, unless the employee receives compensation for employment in excess of 40 hours at a rate not less than 1 1/2 times the regular rate at which the employee is employed.

(d) All workers with disabilities shall be paid at a rate not less than the minimum wage, except in those instances where a certificate has been issued by the United States Department of Labor that authorizes the payment of less to workers with disabilities under § 214(c) of the Fair Labor Standards Act [29 U.S.C. § 214(c)].

(e) No employer shall be deemed to have violated subsection (c) of this section if the employee works for a retail or service establishment and:

(1) The regular rate of pay of the employee is in excess of 1 1 / 2 times the minimum hourly rate applicable to the employee under this subchapter; and

(2) More than 1/2 of the employee's compensation for a representative period (not less than 1 month) represents commissions on goods or services.

(f) As of January 1, 2005, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be \$2.77 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

(g) Subsection (f) of this section shall not apply to an employee who receives gratuities unless:

(1) The employee has been informed by the employer of the provisions of subsection (f) of this section; and

(2) All gratuities received by the employee have been retained by the employee, except that this provision shall not be construed to prohibit the pooling of gratuities among employees who customarily receive gratuities.

(h) An employer shall pay a security officer working in an office building in the District of Columbia wages, or any combination of wages and benefits, that are not less than the combined amount of the minimum wage and fringe benefit rate for the guard 1 classification established by the United States Secretary of Labor pursuant to the Service Contract Act of 1965, approved October 22,

1965 ([79 Stat. 1034](#); 41 U.S.C. § 351), as amended.

History

(Mar. 25, 1993, [D.C. Law 9-248](#), § 4, 40 DCR 761; Apr. 8, 2005, [D.C. Law 15-296](#), § 2, 52 DCR 1483; Apr. 24, 2007, [D.C. Law 16-305](#), § 47, 53 DCR 6198; Mar. 20, 2008, [D.C. Law 17-114](#), § 2(b), 55 DCR 1276; Mar. 11, 2014, [D.C. Law 20-91](#), § 2(a), [61 DCR 778](#).)

Section References

This section is referenced in [§ 4-205.19k](#), [§ 32-1002](#), [§ 32-1004](#), [§ 32-1006](#), and [§ 32-1607](#).

Prior Codifications

1981 Ed., § 36-220.2.

Effect of Amendments

[D.C. Law 15-296](#) rewrote subsecs. (a) and (f) which had read:

"(a) On October 1, 1993, the minimum wage required to be paid to any employee by any employer in the District of Columbia shall be the minimum wage set by the United States government from time to time pursuant to the Fair Labor Standards Act (29 U.S.C. § 206 et seq.) ("Fair Labor Standards Act"), plus \$1."

"(f) In determining the wage of an employee who receives gratuities, the amount paid to the employee by the employer shall be deemed to be increased on account of gratuities by an amount determined by the employer, but not by an amount in excess of 55% of the minimum wage as set by subsection (a) of this section, except that the amount of the increase on account of gratuities determined by the employer shall not exceed the value of gratuities received by the employee."

[D.C. Law 16-305](#), in subsec. (d), substituted "workers with disabilities" for "handicapped workers".

[D.C. Law 17-114](#), in subsecs. (a)(1) and (2), substituted "Except as provided in subsection (h) of this section, as" for "As"; and added subsec. (h).

The 2014 amendment by [D.C. Law 20-91](#) added (a)(3), (a)(4), (a)(5) and (a)(6).

Emergency Legislation

For temporary (90 day) amendment of section, see § 2 of Minimum Wage Emergency Amendment Act of 2004 (D.C. Act 15-614, November 30, 2004, 51 DCR 11438).

For temporary (90 day) amendment of section, see § 2 of Minimum Wage Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-19, February 17, 2005, 52 DCR 20965).

Legislative History of Law 9-248

For legislative history of [D.C. Law 9-248](#), see Historical and Statutory Notes following [§ 32-1001](#).

Legislative History of Law 15-296

[Law 15-296](#), the "Minimum Wage Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-888, which was referred to the Committee on Public Services. The Bill was adopted on first and second readings on November 9, 2004, and December 7, 2004, respectively. Signed by the Mayor on December 29, 2004, it was assigned Act No. 15-692 and transmitted to both Houses of Congress for its review. [D.C. Law 15-296](#) became effective on April 8, 2005.

Legislative History of Law 16-305

For [Law 16-305](#), see notes following [§ 32-241](#).

Legislative History of Law 17-114

For [Law 17-114](#), see notes following [§ 32-1002](#).

Legislative History of Law 20-91

[Law 20-91](#), the "Minimum Wage Amendment Act of 2013" was introduced in Council and assigned Bill No. 20-91. The Bill was adopted on first and second readings on December 3, 2013, and December 17, 2013, respectively. Signed by the Mayor on January 15, 2014, it was assigned Act No. 20-265 and transmitted to Congress for its review. [D.C. Law 20-91](#) became effective on March 11, 2014.

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