

DC BOARD OF ELECTIONS

NOTICE OF PUBLIC HEARING RECEIPT AND INTENT TO REVIEW INITIATIVE MEASURE

The Board of Elections shall consider in a public hearing whether the proposed measure, the “DC Full Minimum Wage for Tipped Workers Amendment Act of 2022,” is a proper subject matter for initiative at the Board’s regular meeting on Wednesday, August 4, 2021 at 10:30 a.m., at 1015 Half Street SE, Suite 750, Washington DC 20003.

In making a subject matter determination, the Board does not consider the merits of a proposed measure. Instead, it may consider only whether the proposed measure meets the subject matter requirements set forth in District of Columbia law. Specifically, the Board must reject the proposed measure if it determines that:

- The measure conflicts with or seeks to amend the Title IV of the DC Home Rule Act (“the District Charter”);
- The measure conflicts with the U.S. Constitution;
- The measure has not been properly filed;
- The verified statement of contributions (the measure committee’s statement of organization and report of receipts and expenditures) was not timely filed;
- The measure would authorize discrimination in violation of the DC Human Rights Act;
- The measure would negate or limit a budgetary act of the DC Council; or
- The measure would appropriate funds

Those who wish to testify at the hearing on the propriety of the proposed measure in light of the above-referenced criteria should contact the Board’s Office of the General Counsel at 202-727-2194 or ogc@dcboe.org and provide their name, address, telephone number, and name of the organization represented (if any) by no later than Friday, July 30, 2021, at 4:00 p.m. Any written testimony or memoranda should be submitted for the record to the Board’s Office of the General Counsel, 1015 Half Street SE, Suite 750, Washington, DC 20003 or at ogc@dcboe.org by that date and time as well. Individuals shall be permitted a maximum of three minutes for oral presentations. Representatives of organizations shall be permitted a maximum of five minutes for oral presentations.

The Short Title, Summary Statement, and Legislative Text of the proposed initiative, as submitted to the Board by the proposer(s) of the measure, read as follows:

SHORT TITLE

District of Columbia Full Minimum Wage for Tipped Workers Amendment Act of 2022

SUMMARY STATEMENT

Current law lets employers count all an employee's tips towards the minimum wage that employers must pay everyone else. If enacted, this Initiative would gradually increase the tipped minimum wage to the same minimum wage that must be paid to non-tipped employees. By 2027, and from then on, tipped workers would be able to earn the same minimum wage as everyone else (\$15, indexed for inflation), and keep their tips on top. The minimum wage increases under this Initiative would not apply to employees of the District of Columbia or government contractors.

LEGISLATIVE TEXT

BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Full Minimum Wage for Tipped Workers Amendment Act of 2022".

Sec. 1. Section 4 of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003), is amended as follows:

(a) Subsection (f) is amended to read as follows:

"(f)(1) For purposes of this subsection, the term "tipped minimum wage" shall mean the minimum hourly wage required to be paid by an employer to an employee who receives tips.

"(2) As of July 1, 2021, the tipped minimum wage") shall be \$5.05 an hour with tips on top; provided, that the employee actually receives tips 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. This tipped minimum wage will increase on July 1, 2022 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.

"(3) Except as provided in subsections (h) and (i) of this section, as of January 1, 2023, the tipped minimum wage shall be not less than \$6.00 an hour with tips on top; provided, that the employee actually receives tips 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.

"(3) Except as provided in subsections (h) and (i) of this section, as of July 1, 2023, the

tipped minimum wage shall be not less than \$8.00 an hour, with tips on top; provided, that the employee actually receives tips 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.

“(4) Except as provided in subsections (h) and (i) of this section, as of July 1, 2024, the tipped minimum wage shall be not less than \$10.00 an hour, with tips on top; provided, that the employee actually receives tips 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.

“(5) Except as provided in subsections (h) and (i) of this section, as of July 1, 2025, the tipped minimum wage shall be not less than \$12.00 an hour, with tips on top; provided, that the employee actually receives tips 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.

“(6) Except as provided in subsections (h) and (i) of this section, as of July 1, 2026, the tipped minimum wage shall be not less than \$14.00 an hour, with tips on top; provided, that the employee actually receives tips 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.

“(7) Except as provided in subsections (h) and (i) of this section, as of July 1, 2027, the tipped minimum wage shall be not less than the minimum wage as set by subsection (a) of this section, with tips on top.”

(b) A new subsection (i) is added to read as follows:

“(i) The provisions of subsection (f)(2), (3), (4), (5), (6), and (7) of this section shall not apply to employees of the District of Columbia, or to employees employed to perform services provided under contracts with the District of Columbia. Those employees shall continue to be subject to the minimum wage requirements of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9–248; D.C. Official Code § 32–1001 *et seq.*), as amended by the Enhanced Professional Security Amendment Act of 2008, effective March 20, 2008 (D.C. Law 17–114; 55 DCR 1276), as amended by the Minimum Wage Amendment Act of 2013, effective March 11, 2014 (D.C. Law 20–91; 61 DCR 778), as amended by the Fair Shot Minimum Wage Act of 2016 (D.C. Law 21–144; 63 DCR 9275) as they existed before the effective date of the District of Columbia Full Minimum Wage for Tipped Workers Amendment Act of 2022, and to the requirements of all other applicable laws, regulations, or policies relating to wages or benefits, including the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16–118; D.C. Official Code § 2–220.01 *et seq.*)”.

Sec. 3. Nothing in this act shall be construed as preventing the Council of the District of Columbia from increasing minimum wages or benefits to levels in excess of those provided for in this act for any category of employees.

Sec. 4. Nothing in this act shall be construed as preventing employers, during any period in which subsection (f)(7) of this section is in effect, from implementing a mandatory tip-sharing policy among all employees, regardless of whether such employees normally receive tips

Sec. 5. If any section of this act or its application to any persons or circumstances is held invalid, the remainder of this measure, or the application of its provisions to other persons or circumstances, shall not be affected. To this end, the provisions of this act are severable.

Sec. 6. This act shall take effect after a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).