

AN ACT

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*Codification  
District of  
Columbia  
Code  
2001 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Minimum Wage Act Revision Act of 1992 and An Act To Provide for the payment and collection of wages in the District of Columbia to provide for the assessment and collection of administrative penalties for the costs of enforcement and administration.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Wage-Hour Enforcement Amendment Act of 2000".

Sec. 2. Section 12 of the Minimum Wage Act Revision Act of 1992 is amended by adding new subsections (d) and (e) to read as follows:

"(d) In addition to and apart from the penalties or remedies provided for in this section or section 13, the Mayor shall assess and collect administrative penalties up to a maximum of \$300 for the first violation and up to a maximum of \$500 for each subsequent violation. The Mayor shall consider factors that include the history of previous violations by the employer, the administrative costs of the proceeding to collect, and the size of the employer's business, when determining the penalty to be imposed. In addition, the Mayor may assess more than one administrative penalty against an employer for the same adversely affected employee if the employer has violated more than one statutory provision of this act.

"(e) No administrative penalty shall be collected unless the Mayor provides any person alleged to have violated a provision of section 11 notification of the violation, notification of the amount of the administrative penalty to be imposed, and an opportunity to request an informal hearing. If an informal hearing is requested, the Mayor shall issue a final order following the hearing containing a finding that a violation has or has not occurred. If an informal hearing is not requested, the person to whom notification of violation was provided shall transmit to the Mayor the amount of the penalty within 15 days following notification."

Sec. 3. Section 7 of An Act To provide for the payment and collection of wages in the District of Columbia is amended as follows:

(a) The existing text is designated as subsection (a).

(b) New subsections (b) and (c) are added to read as follows:

"(b) In addition to and apart from any other penalties or remedies provided for in this act, the Mayor shall assess and collect administrative penalties up to a maximum of \$300 for the first violation and up to a maximum of \$500 for each subsequent violation. The Mayor shall consider factors that include the history of previous violations by the employer, the administrative costs of the proceeding to collect, and the size of the employer's business, when determining the penalty to be imposed. In addition, the Mayor may assess more than one administrative penalty against an employer for the same adversely affected employee if the employer has violated more than one statutory provision of this act.

"(c) No administrative penalty may be collected unless the Mayor provides any person alleged to have violated any of the provisions of this section notification of the violation, notification of the amount of the administrative penalty to be imposed, and an opportunity to request an informal hearing. If a formal hearing is requested, the Mayor shall issue a final order following the hearing, containing a finding that a violation has or has not occurred. If an informal hearing is not requested, the person to whom notification of violation was provided shall transmit to the Mayor the amount of the penalty within 15 days following notification."

Sec. 4. The Mayor, pursuant to title 1 of the District of Columbia Administrative Procedure Act shall issue regulations to implement the provisions of this act.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in

**ENROLLED ORIGINAL**

section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia