

# Minimum Wage, Overtime, and Wage Payment Laws in Washington, D.C.



## WHAT IS THE MINIMUM WAGE IN WASHINGTON DC?

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The **minimum wage** is the smallest amount that an employer can pay a worker per hour.

- Private company in Washington D.C., minimum wage: \$10.50 per hour
  - The D.C. minimum wage will increase to \$11.50 on July 1, 2016.
- Private company in VA, minimum wage per hour: \$7.25.
- Private company in MD, minimum wage per hour: \$8.25 as of July 1, 2015.
- Work for the federal government? You are only entitled to the federal minimum wage, \$7.25 per hour.
  - The minimum wage for all workers of federal construction and service contracts: \$10.10.
- Work for the D.C. government? Work for an employer on a contract with the D.C. government? You may be entitled to receive a **living wage**.
  - Current D.C. living wage: \$13.80 per hour.
- Workers on some D.C. or federal government contracts for construction or services may be entitled to receive a **prevailing wage**, which is generally higher than the minimum wage.

## Am I Entitled to the Minimum Wage For My Work?

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- **Nearly all workers**, including day laborers, immigrants -- regardless of immigration status -- and house cleaners, have a right to be paid the minimum wage.

## What if I am Paid Less than the Minimum Wage?

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- Not paid for hours worked? Paid less than the minimum wage? You can recover the amount of money you are owed for the past 2 years, sometimes up to 3 years. **Important:** always keep track of how much you are paid and how many hours you work! Keep all pay-stubs or keep your own written records.
- Additionally, in D.C. there is a **minimum daily wage**. You must be paid for at least 4 hours on each day that you report to work, unless regularly scheduled for less than four hours. You must be paid your regular rate for hours that worked, and the minimum wage for the hours not worked. \*MD and VA do not have a minimum daily wage!

## WHAT IS OVERTIME PAY AND HOW DO I KNOW IF I AM OWED OVERTIME?

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- Work more than **40** hours in one week? Your employer should pay you overtime for every hour worked over 40. Overtime means one and a half times (150%) your regular rate of pay for every hour worked over forty hours in a week.
  - Calculation: regular pay x 1.5 = overtime pay
- Paid a salary rather than hourly wage? You are still entitled to overtime pay for any hours over 40 that you work in a week.
  - Some workers are not entitled to overtime, such as professionals, and salesmen.

## How Often is My Employer Required to Pay Me?

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- You must be paid at least twice per month on regular paydays.
- You are entitled to itemized pay statements showing deductions an employer has taken out of your pay.
- If fired from your job, you must be paid all of the wages owed to you by the next working day.
  - Example: fired on a Friday? Your employer must pay you any wages owed to you on the following Monday.
  - If you quit, you must be paid the next regular payday, or within 7 days, whichever comes first.

## What if My Employer Deducts the Cost of My Uniform, Tools, or Meals from My Pay?

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- Work in DC? Paid exactly the minimum wage? Required to you to wear a uniform? Your employer must give you the uniform OR pay you an extra 15¢ an hour in exchange for having to purchase and clean your uniform.
- In DC an employer is allowed to subtract a small amount from your pay in exchange for providing a meal

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during the work day but the employer cannot deduct more than \$2.12 a meal. Your employer must also pay for any tools or other expenses necessary to do your job.

### What Do I Do if I Am Owed Wages?

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- Believe your employer has violated any of these laws or that you may be owed unpaid wages? You may:
  1. File a claim with the D.C. Office of Wage-Hour. The Office of Wage-Hour is located at 4058 Minnesota Ave. NE, Room 4300, or call (202) 671-1880. Services are provided in English, Spanish, Vietnamese, Korean, French, Amharic, and Mandarin Chinese.
  2. File a lawsuit in D.C. Superior Court, Small Claims (for claims less than \$5000) or the Civil Division. Small Claims Court is located at 510 4th St. NW.
- **If you are in a union, you should file a grievance with your union for unpaid wages.** The time for filing grievances is usually very short so consult your shop steward right away.
- It is illegal for an employer to fire you, demote you, or subject you to worse working conditions than your co-workers just because you filed a claim for unpaid overtime. Report any and all suspected acts of retaliation by your employer to the D.C. Wage-Hour Office!

### Is There a Deadline by Which I Have to File My Claim?

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- Under D.C. law, workers may recover unpaid wages and overtime up to three years prior to the date of filing.
  - Example: if you file a wage claim on December 1, 2012, you may recover unpaid wages and/or overtime as far back as December 1, 2009.
  - The clock does not stop when you file a wage claim in the D.C. Office of Wage-Hour.
  - Filing a case in small claims court or D.C. Superior Court does stop the clock!

### What Information Do I Need to Pursue My Claim?

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- To successfully pursue a wage claim, you should have the employer's name, address, and contact information; a record of the hours you worked and weren't paid; and a pay stub or other proof that establishes your rate of pay.

### Can I Receive Overtime if I Am an Independent Contractor?

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- Independent contractors are workers who are treated differently than employees. The law does not protect independent contractors like it protects employees. Example: independent contractors are not entitled under the law to receive overtime pay for the hours worked over 40 hours in a week!
- Generally **you are not an independent contractor if:**
  1. Your boss tells you when to come to work and how many hours to work;
  2. Your boss controls the "conditions" of your employment – e.g., what you do at work, how you do it, where you do it, what you wear, when and if you can take a break, etc.;
  3. Your boss provides all the tools and equipment you need to perform your job; and
  4. Your boss determines your rate and method of payment for the work. If you believe your employer has misclassified you as an independent contractor, you should consult legal counsel!

**This fact sheet is intended to provide accurate, general information regarding legal rights relating to employment in Washington, D.C. Because laws and procedures frequently change, the Employment Justice Center cannot ensure that the information in this fact sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your legal rights.**