

WAGE AND HOUR LAW In Washington, D.C



1. What is the minimum wage in Washington, D.C.?

The **minimum wage** is the smallest amount that an employer can pay a worker per hour. If you work for a private company in Washington D.C., the minimum your employer can pay you per hour is \$8.25.

If you work for the federal government, you are only entitled to the federal minimum wage, which is currently \$7.25 per hour. In D.C., the minimum wage is at least \$1.00 more per hour than the federal minimum wage.

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

If you work for the D.C. government or if your job is for an employer on a contract with the D.C. government, you may be entitled to receive a **living wage**. The current D.C. living wage is \$12.50 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.

2. What if I am paid less than minimum wage or not at all?

You have a right to be paid for every hour that you are on the job. If you are not paid for hours that you work, or you are paid less than the minimum wage, you can recover the amount of money you are owed for at least two years, up to three years in some circumstances. It is important that you keep track of how much you are paid and how many hours you work to ensure that you are being paid the minimum wage.

Additionally, in D.C. there is a minimum daily wage. This means you must be paid for at least four hours on each day that you report to work, unless you are regularly scheduled for less than four hours. You must be paid your regular rate for the hours that you worked, and the minimum wage for the hours not worked.

3. What is overtime pay?

If you work more than **40** hours in one week, your employer should pay you an overtime premium for every hour worked over 40. Your employer is required by law to pay you one and a half times your regular rate of pay for every hour worked in excess of forty hours in a week. For example, if your regular rate of pay is \$8.50 per hour, overtime pay would be \$12.75 per hour ($\$8.50 \times 1.5 = \12.75). Even if you are 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. However, some types of workers are not entitled to overtime pay, such as professionals, and salesmen.

4. How often is my employer required to pay me?

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 you are fired from your job, you must be paid all of the wages owed to you by the next working day after the date you were fired. For example, if you were fired on a Friday, your employer must pay you any wages owed to you on the following Monday. However, if you quit your job, you must be paid on the next regular payday, or within 7 days, whichever is earlier.

5. What if my company requires me to wear a uniform, or purchase specific tools for my job?

If you are paid exactly the minimum wage and your company requires you to wear a uniform, your employer must give you the uniform or reimburse you for the cost of the uniform and pay the cost of cleaning your uniform. Your employer is also required to pay for any tools or other expenses you incurred to do your job.

6. What do I do if I am owed wages?

If you believe your employer has violated any of these laws or that you may be owed unpaid wages, you may file a claim with the D.C. Office of Wage-Hour or file a lawsuit in D.C. Superior Court, Small Claims (for claims less than \$5000) or Civil Division. The D.C. Office of Wage-Hour is located at 64 New York Avenue, NE, Room 3812, or you can call (202) 671-1880. Services are provided in English, Spanish, Vietnamese, Korean, French, Amharic, and Mandarin Chinese, pursuant to the D.C. Language Access Act.

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 against the law for your employer to retaliate against you for filing a claim for unpaid wages. For example, 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. You should report any and all suspected acts of retaliation by your employer to the D.C. Wage-Hour Office.

7. Is there a deadline by which I have to file my claim?

Under D.C. law, workers may recover unpaid wages and overtime up to three years prior to the date of filing. For example, if you file a wage claim on December 1, 2010, you may recover unpaid wages and/or overtime as far back as December 1, 2007. However, the clock does not stop when you file a wage claim in the D.C. Office of Wage-Hour. The only action which stops the clock on your claim is filing a case in small claims court or D.C. Superior Court.

8. What information do I need to pursue my claim?

To successfully pursue a wage claim, you should have the employer's name, address, and contact information; a record of the hours you worked for which you did not receive pay; and a pay stub or other proof that establishes your rate of pay.

9. My boss told me I cannot receive overtime because I am an independent contractor. What does that mean?

Independent contractors are workers who are treated differently than employees. The law does not protect independent contractors like it protects employees; for example, independent contractors are not entitled under the law to receive time and one half 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.

For more information about your workplace rights come to EJC's Workers' Rights Clinic from 6:00 p.m. – 9:00 p.m. on Wednesdays at Bread for the City, NW (1525 7th Street, NW, between P and Q Streets, NW; list starts at 5 p.m.) or, from 3:00 p.m. – 6:00 p.m. one Monday per month at Bread for the City, SE (1640 Good Hope Road, SE). The clinic is first-come, first served, and no appointment is necessary. For more information, visit the D.C. Employment Justice Center website at www.dcejc.org.

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 D.C. 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.

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