

**DC BOARD OF ELECTIONS
NOTICE OF PUBLIC HEARING TO FORMULATE:
SHORT TITLE, SUMMARY STATEMENT, AND LEGISLATIVE FORM
FOR INITIATIVE MEASURE NO. 82
THE “DC FULL MINIMUM WAGE FOR TIPPED WORKERS AMENDMENT ACT OF
2022”**

Pursuant to D.C. Official Code § 1-1001.16(c)-(d), the Board of Elections hereby gives notice of its intent to formulate the ballot language (short title, summary statement, and legislative form) for Initiative Measure No. 82, the “DC Full Minimum Wage for Tipped Workers Amendment Act of 2022.”

The formulations will be provided for adoption at a special Board meeting that will be held on **Monday, September 20, 2021 at 9:00 a.m.** In light of the continuing public health crisis, the Board will meet remotely. Members of the public can access the meeting by using the following information:

Join Zoom Meeting

<https://zoom.us/j/5546215828?pwd=MkVTRnBVUW8yc1lhY2tFRC9qY0Vvdz09>

Meeting ID: 554 621 5828

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The short title shall not exceed 15 words, and the summary statement shall not exceed 100 words.

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 tipsharing 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)).