

Council of the District of Columbia
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT
MEMORANDUM

1350 Pennsylvania Avenue, NW, Washington, D.C. 20004

To: Chairman Phil Mendelson
From: Elissa Silverman, Chair
Date: February 24 2022
Subject: Request to Agendize Measures for the March 1, 2022, Legislative Meeting

I am writing to request that the following measures be agendized for the March 1, 2022, Regular Legislative meeting:

- “Ban on Non-Compete Agreements Applicability Emergency Declaration Resolution of 2022”
- “Ban on Non-Compete Agreements Applicability Emergency Amendment Act of 2022”
- “Ban on Non-Compete Agreements Applicability Temporary Amendment Act of 2022”

This legislation changes the applicability date of the Ban on Non-Compete Agreements Amendment Act from April 1, 2022, to October 1, 2022, while amendments to that law are under consideration by the Council. The Committee on Labor and Workforce Development held a hearing on a bill to amend the law and is currently working with interested parties to revise the law before it is in effect.

The Ban on Non-Compete Agreements Amendment Act became law on March 16, 2021, and it is slated to become applicable on April 1, 2022. However, as noted above, the Council’s Committee on Labor and Workforce Development is currently considering legislation to amend the current law. Bill 24-256, the Non-Compete Conflict of Interest Clarification Amendment Act of 2022, was introduced on May 21, 2021 and a hearing was held on July 14, 2021. The Committee is preparing to mark up the amendatory legislation and has consulted extensively with the business community on the bill.

Hence, this emergency bill proposes to postpone the current law’s applicability date (i.e., date of implementation) to October 1, 2022, while the Committee continues its work on B24-256. Given the Council’s schedule, the amendatory legislation is not likely to come before the full Council for a vote before the current law is applicable on April 1, 2022. In order to ensure adequate deliberation over changes to the current law and to allow both District government entities and businesses to have adequate time to prepare for the law’s enactment, the law’s applicability date should be postponed to October 1, 2022.

If you have any questions or for further information about this legislation, please contact Margaret O’Hora, Legislative Counsel, mohora@dccouncil.us.

cc: Members, Council of the District of Columbia
Office of the Secretary
Office of the General Counsel
Office of the Budget Director