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Councilmember Anita Bonds

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A PROPOSED RESOLUTION

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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To declare the existence of an emergency with respect to the need to clarify the implementation date of Initiative 82 – the District of Columbia Tip Credit Elimination Act of 2022.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Tipped Minimum Wage Increase Implementation Clarification Emergency Declaration Resolution of 2023”.

Sec. 2. (a) On November 30, 2022, District of Columbia Board of Elections certified the passage of Initiative Measure No. 82 – the District of Columbia Tip Credit Elimination Act of 2021.

(b) Among other things, this ballot initiative prescribed dates certain for increases of the tipped minimum wage in the District of Columbia, the first of which was January 1, 2023. Under the current language of the initiative, the tipped minimum wage would be required to be at least \$6.00 per hour on this date, the first increase in a progression of increases designed to ultimately eliminate the tip credit.

(b) The language of the initiative was originally drafted to appear on the primary election ballot in June of 2022. Because of delays in the certification of the initiative for the ballot, the initiative appeared on the November 2022 general election ballot.

31 (c) Due to the time needed to certify election results, the mandatory congressional  
32 review period, and the Council's recent inability to transmit legislation to Congress due  
33 to the protracted vote for Speaker of the House of Representatives, the law passed by the  
34 initiative will not take effect until an uncertain date in March, if not later.

35 (d) It can be difficult to precisely predict the exact date on which a congressional  
36 review period ends for a given piece of District legislation and when the law takes effect.  
37 Because of the fixed date included in the initiative, and not being able to determine with  
38 certainly when the first tipped minimum wage increase is mandated, there exists a great  
39 deal of confusion among affected businesses as to the timing and applicability of their  
40 legal responsibilities related to tipped workers.

41 (e) Relevant industry advocacy groups are also unable to properly educate  
42 members as to their legal responsibilities without the certainty of the effective date of the  
43 first increase.

44 (f) This emergency legislation is necessary to provide affected businesses with  
45 sufficient time and notice to prepare for accurate implementation of the law.

46 Sec. 3. The Council of the District of Columbia determines that the circumstances  
47 in section 2 constitute emergency circumstances, making it necessary that the Tipped  
48 Minimum Wage Increase Implementation Clarification Emergency Amendment Act of  
49 2023 be adopted after a single reading.

50 Sec. 4. This resolution shall take effect immediately.