

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend Initiative Measure No. 82 - the District of Columbia Tip Credit Elimination Act of 2022 - to postpone the date on which the first increase to the tipped minimum wage takes effect.

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

Sec. 2. (a) Initiative Measure No. 82 – the District of Columbia Tip Credit Elimination Act of 2022, (the “Act”) prescribes dates for progressively increasing the tipped minimum wage until it is equal to the District minimum wage. Because of both delays in certifying the initiative to appear on the ballot and the mandatory congressional review period, the Act passed by the initiative did not become District law until February 2023. However, the Act’s actual effective date of February 2023 contradicts the language in the original Act, which mandated that the first increase to the tipped minimum wage would occur on January 1, 2023.

(b) To avoid confusion about the effective and applicable dates of the ballot initiative, the Council enacted emergency and temporary legislation in January 2023 to change the date of the first increase to the tipped minimum wage to May 1, 2023. This temporary legislation, the Tipped Minimum Wage Increase Implementation Clarification

31 Temporary Amendment Act of 2023 (D.C. Law 25-0002), expires on November 30,
32 2023.

33 (c) Without intervention, the date of the first increase to the tipped minimum
34 wage will retroactively revert to January 1, 2023, creating further confusion among
35 stakeholders, particularly District employees interested in pursuing claims for wage theft.
36 Without a new round of emergency and temporary measures, employees will struggle to
37 determine the Act's true effective date, leading to confusion within the tipped workforce.
38 Therefore, the Council must pass another round of emergency and temporary legislation
39 to ensure continuity in the law until the change can be permanently codified.

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

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