



## Washington D.C. Living Wage Increased to \$13.40, Retroactive to January 2013

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In the first change since 2010, the wage rate required by the Washington D.C. Living Wage Act has been increased to \$13.40 per hour. The increase is retroactive to January 2013.

The Act, which went into effect June 8, 2006, requires recipients of D.C. contracts or government assistance (e.g., grant, loan or tax increment financing) to pay affiliated employees and subcontractors who perform services under the contracts no less than a specified living wage. Limited exemptions apply to services performed under collective bargaining agreements and prevailing wage law wage determinations with higher rates, among others.

Certain home health workers (e.g., those working at home care agencies, community residential facilities, or group homes for individuals with developmental disabilities) now are considered covered by the Act, as well. Home health workers providing services as part of a managed care organization, however, remain exempt.

Because the rate increase is retroactive to January 2013, affected workers are entitled to back pay. However, contractors can request a waiver if they can prove "significant financial hardship." It is unclear whether the retroactive-pay provision will be enforceable and, if so, whether contractors and government assistance recipients will be successful in charging retroactive pay to the D.C. contracting agency or funding authority with which they worked.

Finally, another rate increase is likely ("likely" as opposed to "certain," since the law requires annual updates, but the District missed them for three years in a row) as the District has announced the 2014 calculation will be published no later than March 1st.

The Living Wage Act has a posting requirement and employee's rights are enforced under the D.C. Wage Payment and Collection Law.

If you have any questions about this or other workplace developments, please contact Leslie A. Stout-Tabackman, [Leslie.Stout@jacksonlewis.com](mailto:Leslie.Stout@jacksonlewis.com), or the Jackson Lewis attorney with whom you regularly work.

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## practices

### Wage and Hour

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