

A RESOLUTION

25-15

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 17, 2023

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 2023 increase to the tipped minimum wage will take effect from January 1, 2023, to May 1, 2023.

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 2022.

(b) Among other things, this ballot initiative prescribed dates certain for increases of the tipped minimum wage in the District. Under the current language of the initiative, the tipped minimum wage would be required to be at least \$6.00 per hour beginning January 1, 2023.

(c) 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.

(d) Due to the time needed to certify election results, the mandatory congressional review period, and the Council’s recent inability to transmit legislation to Congress due to the protracted vote for Speaker of the House of Representatives, the act passed by the initiative is projected to become law on March 8, 2023, more than 3 months after January 1, 2023.

(e) The emergency measure would set the effective date of the \$6.00 wage increase as May 1, 2023. With that date, the great deal of confusion existing among affected businesses as to the timing and applicability of their legal responsibilities related to tipped workers should be mitigated. With knowledge of the May date, relevant industry advocacy groups will also be able to properly educate members as to their legal responsibilities.

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

ENROLLED ORIGINAL

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

Sec. 4. This resolution shall take effect immediately.