

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

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MAYOR



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Employee Notice for the Sustainable DC Omnibus Amendment Act of 2014

Background

The Sustainable DC Omnibus Amendment Act of 2014 (Act) is effective January 1, 2016. The purpose of the Act is to require employers with 20 or more employees located in Washington, D.C. to offer commuter transit benefits to their employees. Covered employees include full-time and part-time employees (a) who perform 50% of their work in the District of Columbia, or (b) whose employment is based in the District of Columbia, and a substantial amount of their work is performed in the District of Columbia with less than 50% of their work performed in any other state. Covered employees are eligible for the transit benefit program after 90 days of employment.

Commuter Benefits Options

Employers must offer 1 of 3 options:

Option 1 – Pre-tax option: Pre-tax election transportation fringe benefits program that provides (a) commuter highway vehicle, (b) transit, or (c) bicycling benefits

Option 2 – Employer-paid benefit: An employer-paid benefit program whereby the employer offers employees a subsidy to offset the monthly cost of commuting

Option 3 – Employer provided transit service (vanpool or bus operated by or for the employer)

Employee Notice Requirements

Employers shall communicate the following information to covered employees:

- a. Notify covered employees of available commuter benefits program;
- b. Provide information as to how to apply for an receive the transit benefit; and
- c. Provide a point of contact to employees for further information about commuter benefits.

Record Keeping

Employers shall maintain all records, files and documentation to establish compliance with the requirements of the Act for a minimum of 3 years and make the records available upon request by the Mayor or the DC Department of Employment Services.

Enforcement and Complaints

Enforcement and adjudication of a failure to provide a transit benefit program shall be pursuant to the Civil Infractions Act, DC Official Code § 2-1801.01 *et seq.* For complaints, covered employees may contact the DC Department of Employment Services Office of Wage-Hour via email at owh.ask@dc.gov or via phone by calling (202) 671-1880.