

CITY OF SEATTLE
ORDINANCE _____

COUNCIL BILL _____

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4 AN ORDINANCE relating to employment in Seattle; adding a new Chapter 14.19 to the Seattle
5 Municipal Code; establishing minimum wage and minimum compensation rates for
6 employees performing work in Seattle; and prescribing remedies and enforcement
7 procedures.

8 WHEREAS, United States President Barack Obama has called addressing income inequality the
9 “the defining issue of our time”;

10 WHEREAS, the noted economist Thomas Piketty wrote in his landmark book *Capital in the 21st*
11 *Century*, the need to act on income inequality is profound as “[r]eal wages for most US
12 workers have increased little if at all since the early 1970s, but wages for the top one
13 percent of earners have risen 165 percent, and wages for the top 0.1 percent have risen
14 362 percent”;

15 WHEREAS, the tens of thousands of low wage workers in Seattle who struggle to meet their
16 most basic needs, the increasing unaffordability of this city for so many of our citizens,
17 and the hollowing-out of the middle class strike at the core of who we are as a
18 community dedicated to democratic principles and economic advancement and
19 opportunity;

20 WHEREAS, many Seattle workers cannot fully participate in our community’s dynamic civic
21 life or pursue the myriad educational, cultural, and recreational opportunities that
22 constitute a flourishing life because many struggle to meet their households' most basic
23 needs;

24 WHEREAS, Seattle is home to many innovative and progressive employers who contribute
25 significantly to the economic prosperity of the region;

26 WHEREAS, Seattle has a long and proud tradition of advocating for worker rights and
27 promoting social and economic justice;

28 WHEREAS, minimum wage laws promote the general welfare, health, and prosperity of Seattle
by ensuring that workers can better support and care for their families and fully
participate in Seattle’s civic, cultural, and economic life;

WHEREAS, the Mayor signed Executive Order 2014-01 directing all City of Seattle Department
Directors to prioritize and work in coordination with the City’s Personnel Department
and Budget Office to develop a comprehensive implementation plan that ensures a
minimum hourly wage of \$15.00 for employees of the City of Seattle, and directing the

1 Personnel Department and Budget Office to seek concurrence and coordinate with the
2 City Council and the Mayor’s Income Inequality Advisory Committee;

3 WHEREAS, the Mayor and City Council has convened a Labor Standards Advisory Committee
4 and the City expects the committee will provide feedback later in 2014 on recommended
5 approaches for enhancing the City’s enforcement of various labor laws including, but not
6 limited to, minimum wage laws;

7 WHEREAS, Seattle’s employer and worker advocacy community have come together to respond
8 to the challenge of rising income inequality and ensure broadly shared prosperity in our
9 community;

10 NOW, THEREFORE,

11 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

12 Section 1. The City Council (“Council”) makes the following findings of fact and
13 declarations:

14 1. Over 100,000 Seattle workers earn wages insufficient to support themselves and their
15 families;

16 2. In Seattle, the weight of income inequality falls disproportionately on people of color
17 and on women. More than 34 percent of all women and over 40 percent of African Americans
18 and Asian and Pacific Islander Americans rank among low wage workers in Seattle. For
19 Latinos, that number is nearly 50 percent, and it is 70 percent for Native Americans;

20 3. Over 24 percent of Seattle residents earn hourly wages of \$15.00 per hour or less and
21 approximately 13.6 percent of the Seattle community lives below the poverty level;

22 4. Some employers, in particular small businesses and not-for-profit organizations, may
23 have difficulty in accommodating the increased costs;

24 5. Numerous studies suggest minimum wages benefit employers and the economy as a
25 whole by improving employee performance, reducing employee turnover, lowering absenteeism,
26 and thereby improving productivity and the quality of the services provided by employees;

27 6. The Mayor formed an “Income Inequality Advisory Committee,” a group comprised of
28 representatives from Seattle’s employer, labor, and non-profit communities to address the
pressing issue of income inequality in Seattle;

1 7. The Income Inequality Advisory Committee was charged with delivering
2 recommendations on how best to increase the minimum wage in Seattle in a way that ensures
3 that our economy is vibrant enough and fair enough to embrace all who live and work here;

4 8. The Income Inequality Advisory Committee reviewed the impact of minimum wage
5 increases in other cities, relevant studies and other appropriate data, and hosted numerous public
6 engagement forums, including industry-specific forums and the “Income Inequality Symposium”
7 at Seattle University;

8 9. The Income Inequality Advisory Committee determined the following: Seattle’s
9 minimum wage should be raised to \$15.00 per hour; the minimum wage should be phased in
10 over time, the first year of implementation of a phased increase of the minimum wage should
11 begin in 2015; once the minimum wage reaches \$15.00 per hour it should rise in concert with the
12 consumer price index; exemptions from the \$15.00 per hour minimum wage are limited to only
13 those allowed under the Washington State Minimum Wage Act; a benchmark of 500 employees
14 is appropriate as distinguishing between larger and smaller employers in recognition that smaller
15 businesses and not-for-profits would face particular challenges in implementing a higher
16 minimum wage;

17 10. The Income Inequality Advisory Committee also recognized a set of principles for a
18 strong enforcement and culturally competent worker and business education program that
19 integrates existing annual business license processes; creates significant penalties for intentional
20 and repeat violations; establishes worker and employer outreach and education programs through
21 contracts with 501(c)3 community-based organizations and business associations; develops an
22 incentive structure for businesses with solid labor practices; emphasizes culturally competent
23 communication with employees and employers; connects workers with the appropriate local,
24 state, and federal agencies; and establishes a business, labor, and community oversight
25 committee to monitor implementation of the City of Seattle’s new labor standards education and
26 enforcement function. These principles will be forwarded to the City of Seattle’s Labor
27 Standards Advisory Committee; and
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1 11. The public welfare, health, and prosperity of Seattle require wages and benefits
2 sufficient to ensure a decent and healthy life for all Seattle workers and their families.

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4 Section 2. A new Section 14.19.010 is added to the Seattle Municipal Code as follows:

5 **14.19.010 Definitions**

6 For the purposes of this Chapter:

7 A. “Actuarial value” means the percentage of total average costs for covered benefits that a
8 health benefits package will cover;

9 B. “Bonuses” means non-discretionary payments in addition to hourly, salary, commission,
10 or piece-rate payments paid under an agreement between the employer and employee;

11 C. “Commissions” means a sum of money paid to an employee upon completion of a task,
12 usually selling a certain amount of goods or services;

13 D. “Department” means the Department of Finance and Administrative Services;

14 E. “Director” means the Director of the Department of Finance and Administrative Services,
15 or his or her designee;

16 F. “Employ” means to permit to work;

17 G. “Employee” means “employee,” as defined under Section 12A.28.200. Employee does
18 not include individuals performing services under a work study agreement;

19 H. “Employer” means any individual, partnership, association, corporation, business trust, or
20 any person or group of persons acting directly or indirectly in the interest of an employer in
21 relation to an employee;

22 I. “Franchise” means a written agreement by which:

- 23 1. A person is granted the right to engage in the business of offering, selling,
24 or distributing goods or services under a marketing plan prescribed or
25 suggested in substantial part by the grantor or its affiliate;

- 1 2. The operation of the business is substantially associated with a trademark,
2 service mark, trade name, advertising, or other commercial symbol;
3 designating, owned by, or licensed by the grantor or its affiliate; and
4 3. The person pays, agrees to pay, or is required to pay, directly or indirectly,
5 a franchise fee;

6 J. “Franchisee” means a person to whom a franchise is offered or granted;

7 K. “Franchisor” means a person who grants a franchise to another person;

8 L. “Hearing Examiner” means the official appointed by the Council and designated as the
9 Hearing Examiner, or that person's designee (Deputy Hearing Examiner, Hearing Examiner Pro
10 Tem, etc.);

11 M. “Hourly minimum compensation” means the minimum compensation due to an employee
12 for each hour worked during a pay period;

13 N. “Hourly minimum wage” means the minimum wage due to an employee for each hour
14 worked during a pay period;

15 O. “Medical benefits plan” means a silver or higher level essential health benefits package,
16 as defined in 42 U.S.C. § 18022, or an equivalent plan that is designed to provide benefits that
17 are actuarially equivalent to 70 percent of the full actuarial value of the benefits provided under
18 the plan, whichever is greater;

19 P. “Minimum compensation” means the minimum wage in addition to tips actually received
20 by the employee and reported to the Internal Revenue Service, and money paid by the employer
21 towards an individual employee’s medical benefits plan;

22 Q. “Minimum wage” means all wages, commissions, piece-rate, and bonuses actually
23 received by the employee and reported to the Internal Revenue Service;

24 R. “Piece-rate” means a price paid per unit of work;

25 S. “Rate of inflation” means the Consumer Price Index annual percent change for urban
26 wage earners and clerical workers, termed CPI-W, or a successor index, for the twelve months
27 prior to each September 1st as calculated by the United States Department of Labor;

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1 T. “Schedule 1 Employer” means all employers that employ more than 500 employees in
2 the United States, regardless of where those employees are employed in the United States, and
3 all franchisees associated with a franchisor or a network of franchises with franchisees that
4 employ more than 500 employees in aggregate in the United States;

5 U. “Schedule 2 Employer” means all employers that employ 500 or fewer employees
6 regardless of where those employees are employed in the United States. Schedule 2 employers
7 do not include franchisees associated with a franchisor or a network of franchises with
8 franchisees that employ more than 500 employees in aggregate in the United States;

9 V. “Tips” means a verifiable sum to be presented by a customer as a gift or gratuity in
10 recognition of some service performed for the customer by the employee receiving the tip;

11 W. “Wage” means compensation due to an employee by reason of employment, payable in
12 legal tender of the United States or checks on banks convertible into cash on demand at full face
13 value, subject to such deductions, charges, or allowances as may be permitted by rules of the
14 Director. Commissions, piece-rate, and bonuses are included in wages. Tips and employer
15 payments toward a medical benefits plan do not constitute wages for purposes of this Chapter;

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17 Section 3. A new Section 14.19.020 is added to the Seattle Municipal Code as follows:

18 **14.19.020 Employment in Seattle and Employer Schedule Determination**

19 A. Employees are covered by this Chapter for each hour worked within the geographic
20 boundaries of Seattle, provided that an employee who performs work in Seattle on an occasional
21 basis is covered by this Chapter in a two-week period only if the employee performs more than
22 two hours of work for an employer within Seattle during that two-week period. Time spent in
23 Seattle solely for the purpose of travelling through Seattle from a point of origin outside Seattle
24 to a destination outside Seattle, with no employment-related or commercial stops in Seattle
25 except for refueling or the employee’s personal meals or errands, is not covered by this Chapter.
26 An employee who is not covered by this Chapter is still included in any determination of the size
27 of the employer.

1 B. For the purposes of determining whether a non-franchisee employer is a Schedule 1
2 employer or a Schedule 2 employer, separate entities that form an integrated enterprise shall be
3 considered a single employer under this Chapter. Separate entities will be considered an
4 integrated enterprise and a single employer under this Chapter where a separate entity controls
5 the operation of another entity. The factors to consider in making this assessment include, but
6 are not limited to:

- 7 1. Degree of interrelation between the operations of multiple entities;
- 8 2. Degree to which the entities share common management;
- 9 3. Centralized control of labor relations; and
- 10 4. Degree of common ownership or financial control over the entities.

11 There shall be a presumption that separate legal entities, which may share some degree of
12 interrelated operations and common management with one another, shall be considered separate
13 employers for purposes of this section as long as (1) the separate legal entities operate
14 substantially in separate physical locations from one another, and (2) each separate legal entity
15 has partially different ultimate ownership. The determination of employer schedule for the
16 current calendar year will be calculated based upon the average number of employees employed
17 per calendar week during the preceding calendar year for any and all weeks during which at least
18 one employee worked for compensation. For employers that did not have any employees during
19 the previous calendar year, the employer schedule will be calculated based upon the average
20 number of employees employed per calendar week during the first 90 calendar days of the
21 current year in which the employer engaged in business.

22 C. The Director shall have the authority to issue a special certificate authorizing an
23 employer to pay a wage less than the City of Seattle minimum wage, as defined in this Chapter,
24 but above the Washington State minimum wage, as defined in RCW 49.46.020. Such special
25 certificates shall only be available for the categories of workers defined in RCW 49.46.060 and
26 shall be subject to such limitations as to time, number, proportion, and length of service as the
27 Director shall prescribe. Prior to issuance, an applicant for a special certificate must secure a
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1 letter of recommendation from the Washington State Department of Labor and Industries stating
2 that the applicant has a demonstrated necessity pursuant to WAC 296-128.

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4 Section 4. A new Section 14.19.030 is added to the Seattle Municipal Code as follows:

5 **14.19.030 Hourly Minimum Wage – Schedule 1 Employers**

6 A. Effective January 1, 2015, Schedule 1 employers shall pay each employee an hourly
7 minimum wage of at least \$11.00. Pursuant to the following schedule, effective January 1 of
8 each year thereafter, Schedule 1 employers shall pay any employee an hourly minimum wage as
9 follows:

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<i>Year</i>	<i>Hourly Minimum Wage</i>
2016	\$13.00
2017	\$15.00

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15 Effective January 1, 2018, the hourly minimum wage paid by a Schedule 1 employer to any
16 employee shall be increased annually on a percentage basis to reflect the rate of inflation and
17 calculated to the nearest cent on January 1 of each year thereafter.

18 B. Schedule 1 employers can meet the applicable hourly minimum wage requirement
19 through a payment of the minimum wage, provided that the Schedule 1 employer is in
20 compliance with all applicable law. Where an employee is paid on a commission or piece-rate
21 basis, wholly or partially, the amount earned on such basis in each work-week period may be
22 credited as a part of the total wage for that period, and the total wages paid for such period shall
23 be computed on the hours worked in that period resulting in no less than the applicable minimum
24 wage rate. Where an employee is paid a bonus, the amount of the bonus in each work-week
25 period may be credited as a part of the total wage for that period, and the total wages paid for
26 such period shall be computed on the hours worked in that period resulting in no less than the
27 applicable minimum wage rate. Pursuant to the following schedule, effective January 1, 2016,
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1 Schedule 1 employers that pay toward an individual employee’s medical benefits plan shall pay
2 the employee an hourly minimum wage as follows:

<i>Year</i>	<i>Hourly Minimum Wage</i>
2016	\$12.50
2017	\$13.50
2018	\$15.00

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9 Effective January 1, 2019, payment by the employer of health benefits for employees shall no
10 longer affect the hourly minimum wage paid by a Schedule 1 employer.

11 Section 5. A new Section 14.19.040 is added to the Seattle Municipal Code as follows:

12 **14.19.040 Hourly Minimum Wage – Schedule 2 Employers**

13 A. Effective January 1, 2015, Schedule 2 employers shall pay each employee an hourly
14 minimum wage of at least \$10.00. Schedule 2 employers can meet the applicable hourly
15 minimum wage requirement through a payment of the minimum wage, provided that the
16 Schedule 2 employer is in compliance with all applicable law. Pursuant to the following
17 schedule, effective January 1 of 2016 and each year thereafter, Schedule 2 employers shall pay
18 each employee an hourly minimum wage as follows:

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<i>Year</i>	<i>Hourly Minimum Wage</i>
2016	\$10.50
2017	\$11.00
2018	\$11.50
2019	\$12.00
2020	\$13.50
2021	\$15.00

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2 Effective January 1, 2022, Schedule 2 employers shall pay each employee an hourly minimum
3 wage that is calculated as follows: add \$15.00 to one-fourth the difference between the hourly
4 minimum wage for Schedule 1 employers in 2021 and \$15.00, and increase this amount by the
5 annual rate of inflation. The applicable hourly minimum wage shall be calculated to the nearest
6 cent.

$$\text{Adjustment Factor} = (\text{Schedule 1 employer hourly minimum wage in 2021} - \$15.00) / 4$$

$$\text{Schedule 2 employer hourly minimum wage in 2022} = (\$15.00 + \text{Adjustment Factor}) \times (1 + \text{rate of inflation})$$

12
13 Effective January 1, 2023, Schedule 2 employers shall pay each employee an hourly minimum
14 wage that is calculated as follows: add the Schedule 2 hourly minimum wage in 2022 to one-
15 fourth the difference between the hourly minimum wage for Schedule 1 employers in 2021 and
16 \$15.00, and increase this amount by the annual rate of inflation. The applicable hourly minimum
17 wage shall be calculated to the nearest cent.

$$\text{Adjustment Factor} = (\text{Schedule 1 employer hourly minimum wage in 2021} - \$15.00) / 4$$

$$\text{Schedule 2 employer hourly minimum wage in 2023} = (\text{Schedule 2 hourly minimum wage in 2022} + \text{Adjustment Factor}) \times (1 + \text{rate of inflation})$$

23
24 Effective January 1, 2024, Schedule 2 employers shall pay each employee an hourly minimum
25 wage that is calculated as follows: add the Schedule 2 hourly minimum wage in 2023 to one-
26 fourth the difference between the hourly minimum wage for Schedule 1 employers in 2021 and

1 \$15.00, and increase this amount by the annual rate of inflation. The applicable hourly minimum
2 wage shall be calculated to the nearest cent.

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$$\text{Adjustment Factor} = (\text{Schedule 1 employer hourly minimum wage in 2021} -$$

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$$\$15.00) / 4$$

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$$\text{Schedule 2 employer hourly minimum wage in 2024} = (\text{Schedule 2 hourly}$$

7
$$\text{minimum wage in 2023} + \text{Adjustment Factor}) \times (1 + \text{rate of inflation})$$

8
9 Effective on January 1 of 2025, and January 1 of every year thereafter, the hourly minimum
10 wage paid by a Schedule 2 employer to any employee shall equal the hourly minimum wage
11 applicable to Schedule 1 employers.

12 B. Schedule 2 employers can meet the applicable hourly minimum wage requirements
13 through a payment of the minimum wage, provided that the Schedule 2 employer is in
14 compliance with all applicable law.

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16 Section 6. A new Section 14.19.050 is added to the Seattle Municipal Code as follows:

17 **14.19.050 Hourly Minimum Compensation – Schedule 2 Employers**

18 A. Effective January 1, 2015, Schedule 2 employers shall pay each employee an hourly
19 minimum compensation of at least \$11.00. Pursuant to the following schedule, effective January
20 1 of each year thereafter, Schedule 2 employers shall pay each employee an hourly minimum
21 compensation as follows:

22

<i>Year</i>	<i>Hourly Minimum Compensation</i>
2016	\$12.00
2017	\$13.00
2018	\$14.00

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2019	\$15.00
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Effective January 1, 2020, Schedule 2 employers shall pay each employee an hourly minimum compensation that is calculated as follows: add \$15.00 to one-half the difference between the hourly minimum wage for Schedule 1 employers in 2019 and \$15.00, and increase this amount by the annual rate of inflation. The applicable hourly minimum compensation shall be calculated to the nearest cent.

$\text{Adjustment Factor} = (\text{Schedule 1 employer hourly minimum wage in 2019} - \$15.00) / 2$
$\text{Schedule 2 employer hourly minimum compensation in 2020} = (\$15.00 + \text{Adjustment Factor}) \times (1 + \text{rate of inflation})$

Effective January 1, 2021, the hourly minimum compensation paid by a Schedule 2 employer to any employee shall equal the hourly minimum wage applicable to Schedule 1 employers.

B. Schedule 2 employers can meet the applicable hourly minimum compensation requirement through wages (including applicable commissions, piece-rate, and bonuses), tips and money paid by an employer towards an individual employee’s medical benefits plan, provided that the Schedule 2 employer also meets the applicable hourly minimum wage requirements.

C. Effective January 1, 2025, minimum compensation will no longer be applicable as defined in this Chapter.

Section 7. A new Section 14.19.060 is added to the Seattle Municipal Code as follows:

14.19.060 Enforcement

- A. Powers and Duties
 - 1. The Department shall receive and investigate charges alleging violations of this Chapter as defined herein, and shall have such powers and duties in the performance of

1 these functions as are defined in this Chapter and otherwise necessary and proper in the
2 performance of the same and provided for by law.

3 2. The Director is authorized and directed to promulgate rules consistent with this
4 Chapter.

5 B. Exercise of Rights Protected; Retaliation Prohibited

6 1. It shall be a violation for an employer or any other person to interfere with,
7 restrain, or deny the exercise of, or the attempt to exercise, any right protected under this
8 Chapter.

9 2. It shall be a violation for an employer to take adverse action or to discriminate
10 against an employee because the employee has exercised in good faith the rights
11 protected under this Chapter. Such rights include but are not limited to the right to file a
12 complaint with the Department about any employer's alleged violation of this Chapter;
13 the right to inform his or her employer, union or similar organization, and/or legal
14 counsel about an employer's alleged violation of this section; the right to cooperate with
15 the Department in its investigations of alleged violations of this Chapter; the right to
16 oppose any policy, practice, or act that is unlawful under this section; and the right to
17 inform other employees of his or her potential rights under this section.

18 C. Notice, Posting, and Records

19 1. Employers shall give notice to employees who are entitled to the minimum wage
20 and minimum compensation as defined in this Chapter;

21 2. Every employer shall post in a conspicuous place at any workplace or job site
22 where any covered employee works the notice published each year by the Department
23 informing employees of the current minimum wage and minimum compensation rates
24 and of their rights under this Chapter;

25 3. Employers shall retain payroll records pertaining to covered employees for a
26 period of three years documenting minimum wages and minimum compensation paid to
27 each employee.

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1 D. Charges and Investigation

2 1. A charge alleging a violation of this Chapter shall be in writing and signed by or
3 on behalf of a charging party. An allegation of a violation should include a statement of
4 the dates, places, and persons or entities responsible for such violation.

5 2. Charges filed under this Chapter must be filed within 180 days after the
6 occurrence of the alleged violation.

7 3. The Director shall cause to be served or mailed by certified mail, return receipt
8 requested, a copy of the charge on the respondent within 20 days after the filing of the
9 charge and shall promptly make an investigation thereof.

10 4. The investigation shall be directed to ascertain the facts concerning the alleged
11 violation of this Chapter, and shall be conducted in an objective and impartial manner.

12 5. During the investigation the Director shall consider any statement of position or
13 evidence with respect to the allegations of the charge which the charging party or the
14 respondent wishes to submit. The Director shall have authority to sign and issue
15 subpoenas requiring the attendance and testimony of witnesses, and the production of
16 evidence including but not limited to books, records, correspondence or documents in the
17 possession or under the control of the employer subpoenaed.

18 E. Findings of Fact and Notice of Violation.

19 1. The results of the investigation shall be reduced to written findings of fact, and a
20 written determination shall be made by the Director that a violation of this Chapter has
21 occurred. The findings of fact shall be furnished promptly to the respondent and charging
22 party in the form of a notice of violation.

23 2. Within sixty days of a notice of violation, the Director shall confer with the
24 parties and determine an appropriate remedy, which may include full payment of unpaid
25 wages due to the charging party under the terms of this Chapter. Such remedy shall be
26 reduced to writing in an order of the Director.

27 F. Remedies

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1 1. An employer who willfully violates the notice and posting requirements of this
2 section shall be subject to a civil penalty in an amount not to exceed \$125 for the first
3 violation and \$250 for subsequent violations.

4 2. It is unlawful for any employer to willfully resist, prevent, impede or interfere
5 with the Director in the performance of his or her duties under this Chapter. Conduct
6 made unlawful by this section constitutes a violation subject to the provisions of Chapter
7 12A.02 of the Seattle Criminal Code, and any employer who commits such a violation
8 may be punished by a civil penalty of not less than \$1,000 and not more than \$5,000.

9 3. For a first time violation of this Chapter, the Director shall issue a warning. For
10 subsequent violations, the Director shall also assess a civil penalty for improper payment
11 of minimum wage and minimum compensation as defined in this Chapter. A civil penalty
12 for a second time violation of this Chapter shall be not greater than \$500 per employee or
13 an amount equal to ten percent of the total amount of unpaid wages, whichever is greater.
14 A civil penalty for a third violation of this Chapter shall not be greater than \$5,000 per
15 employee or an amount equal to ten percent of the total amount of unpaid wages,
16 whichever is greater. The maximum civil penalty for a violation of this chapter shall be
17 \$20,000.

18 4. Within sixty days of a notice of violation of this Chapter, the Director shall confer
19 with the parties and determine an appropriate remedy, which may include full payment of
20 unpaid wages and accrued interest due to the charging party under the terms of this
21 Chapter. Such remedy shall be reduced to writing in an order of the Director.

22 G. Appeal Period and Failure to Respond

23 1. An employer may appeal the Director's order by requesting a contested hearing in
24 writing within 15 days of service. If an employer fails to appeal the Director's order
25 within 15 days of service, the Director's order shall be final and enforceable. When the
26 last day of the appeal period so computed is a Saturday, Sunday, or federal or City
27 holiday, the period shall run until 5:00 p.m. on the next business day.

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1 H. Appeal Procedure and Failure to Appear

2 1. Contested hearings shall be conducted pursuant to the procedures for hearing
3 contested cases contained in Section 3.02.090 and the rules adopted by the Hearing
4 Examiner for hearing contested cases. The Director shall have the burden of proof by a
5 preponderance of the evidence before the Hearing Examiner. Failure to appear for a
6 requested hearing will result in an order being entered finding that the employer cited
7 committed the violation stated in the Director's order. For good cause shown and upon
8 terms the Hearing Examiner deems just, the Hearing Examiner may set aside an order
9 entered upon a failure to appear.

10 2. In all contested cases, the Hearing Examiner shall enter an order affirming,
11 modifying or reversing the Director's order.

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13 Section 8. A new Section 14.19.070 is added to the Seattle Municipal Code as follows:

14 **14.19.070 Severability**

15 The provisions of this Chapter are declared to be separate and severable. If any clause,
16 sentence, paragraph, subdivision, section, subsection or portion of this Chapter, or the
17 application thereof to any employer, employee, or circumstance, is held to be invalid, it shall not
18 affect the validity of the remainder of this Chapter, or the validity of its application to other
19 persons or circumstances.

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21 Section 9. A new Section 14.19.080 is added to the Seattle Municipal Code as follows:

22 **14.19.080 Other Legal Requirements**

23 This Chapter provides minimum wage and minimum compensation requirements and
24 shall not be construed to preempt, limit, or otherwise affect the applicability of any other law,
25 regulation, requirement, policy, or standard that provides for greater wages or compensation; and
26 nothing in this Chapter shall be interpreted or applied so as to create any power or duty in
27 conflict with federal or state law. Nor shall this Chapter be construed to preclude any person
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1 aggrieved from seeking judicial review of any final administrative decision or order made under
2 this Chapter affecting such person.

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18 Section 10. This ordinance shall take effect and be in force 30 days after its approval by
19 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
20 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

21 Passed by the City Council the ____ day of _____, 2014, and
22 signed by me in open session in authentication of its passage this
23 ____ day of _____, 2014.

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25 _____
26 President _____ of the City Council
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Approved by me this ____ day of _____, 2014.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2014.

Monica Martinez Simmons, City Clerk

(Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Mayor’s Office (MO)	Brian Surratt/386-4071	Jeanette Blankenship/615-0087

Legislation Title:

AN ORDINANCE relating to employment in Seattle; adding a new Chapter 14.19 to the Seattle Municipal Code; establishing minimum wage and minimum compensation rates for employees performing work in Seattle; and prescribing remedies and enforcement procedures.

Summary of the Legislation:

This legislation provides for an increase in the minimum wage in the City of Seattle to \$15.00 an hour, phased in over time, beginning in 2015:

- Small employers (businesses with fewer than 500 employees) will reach a \$15.00 an hour minimum wage in seven years. Also established is a temporary guaranteed minimum compensation responsibility of \$15.00 an hour to be met within the first five years, which can be achieved by combining employer-paid health care contributions, consumer-paid tips, and employer-paid wages.
- Large employers (businesses with 500 or more employees, either in Seattle or nationally) will reach \$15.00 per hour in three years. The wages of employees who receive health care benefits will reach \$15.00 per hour in four years.

Background:

The Mayor formed an “Income Inequality Advisory Committee,” a group comprised of representatives from Seattle’s employer, labor, and non-profit communities to address the pressing issue of income inequality in Seattle. The committee was charged with delivering recommendations on how best to increase the minimum wage in Seattle in a way that ensures that our economy is vibrant enough and fair enough to embrace all who live and work here. The Income Inequality Advisory Committee reviewed the impact of minimum wage increases in other cities, relevant studies and other appropriate data, and hosted numerous public engagement forums, including industry-specific forums and the “Income Inequality Symposium” at Seattle University. The Income Inequality Advisory Committee concluded the following:

- Seattle’s minimum wage should be raised to \$15.00 per hour, the minimum wage should be phased in over time, and the first year of implementation of a phased increase of the minimum wage should begin in 2015;
- Once the minimum wage reaches \$15.00 per hour it should rise in concert with the consumer price index;
- No industry sector exemptions from the \$15.00 per hour minimum wage;
- Smaller businesses and non-profits would face particular challenges in implementing a higher minimum wage; and
- The minimum wage law should be accompanied by a strong enforcement and worker and

business education program.

 This legislation does not have any financial implications.

 X **This legislation has financial implications.**

Appropriations:

Appropriations Notes:

An increase in City appropriations will be incurred in 2015 and subsequent years to 1) raise City employee wages that fall below \$15.00 an hour following Schedule 1; 2) provide enforcement for wage compliance; and 3) provide business education. The increase in costs will be analyzed and refined through the 2015-2016 Budget development process. Appropriation increases, where necessary, will be included in the 2015 Proposed Budget.

- 1) The estimated 2015 impact to the City budget for City employee wage increases associated with this legislation is approximately **\$200,000**. The total incremental cost to the City to bring all wages on Schedule 1 up to \$15 an hour by January 1, 2017 is approximately **\$1,000,000**. These estimates assume a 2.4% cost of living increase each year for City employees, which may be adjusted to actual CPI or labor negotiations, and also include associated increases in payroll taxes for FICA, Medicare and Retirement.
- 2) The Department of Finance and Administrative Services will incur costs related to enforcing this legislation which will be analyzed in the 2015-2016 Budget process. The final scope of the program may be impacted by the work of the Labor Standards Advisory Committee, which is currently reviewing the labor standards enforcement functions across multiple City departments.
- 3) Business education potential needs and associated costs incurred by the City will be analyzed through the 2015-2016 Budget process.

Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
Yes. In addition to City costs, employers in the City of Seattle will have increased financial costs for employees currently earning below \$15.
- b) **What is the financial cost of not implementing the legislation?**
The public welfare, health, and prosperity of Seattle require wages and benefits sufficient to ensure a decent and healthy life for all Seattle workers and their families. Not implementing this legislation will delay progress in improving public welfare, health and prosperity.
- c) **Does this legislation affect any departments besides the originating department?**
 - o Finance and Administrative Services will incur costs related to enforcement.
 - o All departments with employees below \$15 an hour.

d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?

The Income Inequality Advisory Committee analyzed numerous alternatives. This legislation implements the alternative selected by the committee.

e) Is a public hearing required for this legislation?

No.

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No.

g) Does this legislation affect a piece of property?

No.

h) Other Issues: N/A.

List attachments to the fiscal note below: None.