



AGENDA

SHORELINE CITY COUNCIL SPECIAL MEETING

Monday, March 28, 2016
5:45 p.m.

Conference Room 303 · Shoreline City Hall
17500 Midvale Avenue North

TOPIC/GUESTS: Sound Cities Association

SHORELINE CITY COUNCIL REGULAR MEETING

Monday, March 28, 2016
7:00 p.m.

Council Chamber · Shoreline City Hall
17500 Midvale Avenue North

	<u>Page</u>	<u>Estimated Time</u>
1. CALL TO ORDER		7:00
2. FLAG SALUTE/ROLL CALL		
(a) Proclamation of Cesar Chavez Day	<u>2a-1</u>	
3. REPORT OF THE CITY MANAGER		
4. COUNCIL REPORTS		
5. PUBLIC COMMENT		
<i>Members of the public may address the City Council on agenda items or any other topic for three minutes or less, depending on the number of people wishing to speak. The total public comment period will be no more than 30 minutes. If more than 10 people are signed up to speak, each speaker will be allocated 2 minutes. Please be advised that each speaker's testimony is being recorded. Speakers are asked to sign up prior to the start of the Public Comment period. Individuals wishing to speak to agenda items will be called to speak first, generally in the order in which they have signed. If time remains, the Presiding Officer will call individuals wishing to speak to topics not listed on the agenda generally in the order in which they have signed. If time is available, the Presiding Officer may call for additional unsigned speakers.</i>		
6. APPROVAL OF THE AGENDA		7:20
7. CONSENT CALENDAR		7:20
(a) Approval of expenses and payroll as of March 11, 2016 in the amount of \$898,526.85	<u>7a-1</u>	
(b) Motion to Authorize the City Manager to Execute a Professional Services Agreement with Perteet, Inc. for ADA Compliance Self-Evaluation and Transition Plan Assistance	<u>7b-1</u>	
8. STUDY ITEMS		
(a) Discussion of External Workforce Regulations – Minimum Wage and Paid Sick Leave	<u>8a-1</u>	7:20
9. ADJOURNMENT		8:20

The Council meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2231 in advance for more information. For TTY service, call 546-0457. For up-to-date information on future agendas, call 801-2236 or see the web page at www.shorelinewa.gov. Council meetings are shown on Comcast Cable Services Channel 21 and Verizon Cable Services Channel 37 on Tuesdays at 12 noon and 8 p.m., and Wednesday through Sunday at 6 a.m., 12 noon and 8 p.m. Online Council meetings can also be viewed on the City's Web site at <http://shorelinewa.gov>.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

<p>AGENDA TITLE: Proclamation Declaring Cesar Chavez Day in the City of Shoreline DEPARTMENT: CMO/CCK PRESENTED BY: Jessica Simulcik Smith, City Clerk</p>

ISSUE STATEMENT:

On March 31 of each year the nation celebrates Cesar Chavez Day. A true champion for justice, Cesar Chavez advocated for and won many of the rights and benefits we now enjoy, and his spirit lives on in the hands and hearts of working women and men today.

Raised in the fields of Arizona and California, Cesar Chavez faced hardship and injustice from a young age. At the time, farm workers toiled in the shadows of society, vulnerable to abuse and exploitation. Families like Chavez's were impoverished; exposed to hazardous working conditions and dangerous pesticides; and often denied clean drinking water, toilets, and other basic necessities.

Cesar Chavez saw the need for change and made a courageous choice to work to improve the lives of his fellow farm workers. This proclamation calls upon all citizens to observe this day with appropriate service, community, and educational programs to honor Cesar Chavez's enduring legacy.

Hilario Alvarez, owner of Alvarez Organic Farms and Shoreline Farmer's Market participant, along with his son Eddie Alvarez, Markets Manager, will be in attendance to accept the proclamation.

RECOMMENDATION

The Mayor should read the proclamation.

Approved By: City Manager **DT** City Attorney **MK**



PROCLAMATION

WHEREAS, Cesar Chavez was raised in the fields of Arizona and California, where he faced hardship and injustice from a young age; and

WHEREAS, families like Chavez's were exposed to hazardous working conditions and dangerous pesticides, and often denied clean drinking water, toilets, and other basic necessities; and

WHEREAS, Cesar Chavez saw the need for change and made a courageous choice to work to improve the lives of his fellow farm workers; and

WHEREAS, through boycotts and fasts, he led others on a path of nonviolence, and with quiet leadership and a powerful voice, founded the United Farm Workers (UFW) with Dolores Huerta, launching one of our Nation's most inspiring social movements; and

WHEREAS, a true champion for justice, Cesar Chavez advocated for and won many of the rights and benefits we now enjoy, and;

WHEREAS, we face the challenges of our day, let us do so with the hope and determination of Cesar Chavez, echoing the words that were his rallying cry and continue to inspire so many today, "Sí, se puede" – "Yes, we can."

NOW, THEREFORE, I, Christopher Roberts, Mayor of the City of Shoreline, on behalf of the Shoreline City Council, hereby proclaim March 31, 2016 as

CESAR CHAVEZ DAY

in the City of Shoreline, and call upon all citizens to observe this day with appropriate service, community, and educational programs to honor Cesar Chavez's enduring legacy.

Christopher Roberts, Mayor

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Approval of Expenses and Payroll as of March 11, 2016
DEPARTMENT:	Administrative Services
PRESENTED BY:	Sara S. Lane, Administrative Services Director

EXECUTIVE / COUNCIL SUMMARY

It is necessary for the Council to formally approve expenses at the City Council meetings. The following claims/expenses have been reviewed pursuant to Chapter 42.24 RCW (Revised Code of Washington) "Payment of claims for expenses, material, purchases-advancements."

RECOMMENDATION

Motion: I move to approve Payroll and Claims in the amount of \$898,526.85 specified in the following detail:

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
2/14/16-2/27/16	3/4/2016	65336-65536	14296-14315	62871-62876	\$474,347.87
					<u>\$474,347.87</u>

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
3/3/2016	62738	62753	\$68,725.68
3/3/2016	62754	62765	\$29,542.14
3/3/2016	62766	62790	\$31,490.72
3/3/2016	62791	62796	\$104,207.98
3/3/2016	62797	62801	\$1,942.34
3/7/2016	60946	60946	(\$22.89)
	61085	61085	(\$28.98)
	61910	91910	(\$38.32)
	62031	62031	(\$22.89)
3/7/2016	62802	62802	\$113.08
3/9/2016	62803	62803	\$117.23
3/9/2016	62804	62820	\$939.55
3/9/2016	62821	62829	\$67,291.46
3/9/2016	62830	62847	\$35,985.85
3/9/2016	62848	62870	\$83,936.03
			<u>\$424,178.98</u>

Approved By: City Manager **DT**

City Attorney **MK**

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Motion to Authorize the City Manager to Execute an Agreement with Perteet, Inc. for ADA Compliance Self-Evaluation and Transition Plan Assistance, in the Amount of \$96,183
DEPARTMENT:	Public Works
PRESENTED BY:	Tricia Juhnke, City Engineer
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

Title II of the Americans with Disabilities Act (ADA) requires all public entities to perform a self-evaluation of current facilities, services, policies and practices to determine whether they comply with the ADA, and requires public entities with more than 50 employees to create and implement a Transition Plan for attaining full ADA compliance over time.

The ADA does not provide a detailed outline of how to perform a self-evaluation or what a Transition Plan should contain. However, because the scope of a complete Transition Plan would necessarily encompass all City facilities and the activities of all City departments, it is expected that developing and adopting a Transition Plan will be a phased, multi-year process. Because the result of this work will facilitate future capital programming by establishing priorities for removal of access barriers, and because failure to demonstrate progress toward ADA compliance can interfere with the City's ability to obtain federal grant funding, it is important to begin the process as soon as possible.

RESOURCE/FINANCIAL IMPACT:

This project is funded through the 2015 and 2016 budget process. The total budget for this project is \$131,000, and this contract is within the authorized budget.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute a Professional Services Agreement with Perteet, Inc. for ADA Compliance Self-Evaluation and Transition Plan Assistance, in an amount not to exceed \$96,183.

Approved By: City Manager **DT** City Attorney **MK**

BACKGROUND

Title II of the Americans with Disabilities Act (ADA) requires public entities with more than 50 employees to perform a self-evaluation of current facilities, services, policies and practices to determine whether they comply with ADA requirements, and to create and implement a Transition Plan that results in full compliance with the ADA over time.

The ADA does not provide a detailed outline of how to perform a self-evaluation, what a Transition Plan should contain, or a specific time within which compliance must be attained. However, because the scope of a complete Transition Plan would necessarily encompass all City facilities and the activities of all City departments, it is expected that developing and adopting a Transition Plan will be a phased, multi-year process. Likewise, it is expected that implementing the actions contained in a Transition Plan will also require an extended period of time to complete.

It is important to undertake initial steps toward completing the required self-evaluation and developing a Transition Plan now so that the City can facilitate capital programming and establish priorities for removal of access barriers, and because failure to demonstrate progress toward full ADA compliance can interfere with the City's ability to obtain federal grant funding.

DISCUSSION

The scope of work for this professional services agreement is attached as Attachment A. Under this agreement, the Perteet, Inc. team will assist the City with these initial steps:

- **Perform an initial assessment of the City's current accessibility practices, procedures and policies.** This will include surveying City departments to review current customer service, meetings, hearings, and events practices; developing guidelines for selecting a City ADA coordinator; developing a recommended grievance policy and procedures for receiving and responding to ADA-related citizen comments and complaints; and developing online content that will be used to communicate to the public the City's ADA plans and progress in eliminating access barriers.
- **Draft an Action Plan and recommendations for potential changes in the City's current practices, procedures and policies.** The Action Plan will include results of the departmental survey and recommended action steps for compliance.
- **Develop a plan and provide specialized tools for assessing the City's facilities that are located in the public right of way.** These facilities are primarily the sidewalks, curb ramps and pedestrian signal equipment that most often present barriers to mobility along the City's streets. This will include an initial condition assessment to develop the scope and priorities for a detailed field assessment; developing prioritized mapping and a framework for implementing the assessment; and providing specialized tools to simplify collection of field data.

Request for Qualifications (RFQ) Process

The City published an RFQ to consultants to provide their qualifications for assisting the City in assessing ADA compliance of facilities in the public right of way, and in preparing an Action Plan and providing other services related to preparing an ADA Transition Plan. Five consultant teams submitted Statements of Qualification (SOQs). Public Works staff formed a committee to review firm qualifications and experience. The committee identified three consultant teams for interview:

- MIG/SVR
- Perteet, Inc./Fehr & Peers
- Transpo Group

Based on evaluation of the SOQs, the interview results and reference checks, the review committee selected the Perteet, Inc./Fehr & Peers team as most qualified to provide the requested professional services.

COUNCIL GOAL ADDRESSED

This project supports Council Goal #2 to improve Shoreline's utility, transportation, and environmental infrastructure.

RESOURCE/FINANCIAL IMPACT

This project is funded through the 2015 and 2016 budget process. The total budget for this project is \$131,000, and this contract is within the authorized budget.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute a Professional Services Agreement with Perteet, Inc. for ADA Compliance Self-Evaluation and Transition Plan Assistance, in an amount not to exceed \$96,183.

ATTACHMENTS

Attachment A – Scope of Work for ADA Compliance Self-Evaluation and Transition Plan Assistance for Rights of Way Agreement



Exhibit "A" – Scope of Services

**City of Shoreline
ADA Compliance Self-Evaluation and Transition Plan Assistance for Rights –of-Way****INTRODUCTION**

Title II of the Americans with Disabilities Act (ADA) requires all public entities to perform a self-evaluation of its current services, policies, and practices for ADA compliance, and requires public entities with more than 50 employees to create and implement a Transition Plan for structural changes to those facilities. While there are specific requirements and guidelines for constructing ADA compliant facilities, identified in various requirement and guideline documents, the ADA does not provide a detailed outline of how to perform a self-evaluation or provide a detailed outline of what the Transition Plan should contain. The ADA does state that at a minimum the Transition Plan shall:

- If a public entity has responsibility or authority over streets, roads, or walkways, its transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the Act, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.
- Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
- Describe in detail the methods that will be used to make the facilities accessible;
- Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and
- Indicate the official responsible for implementation of the plan.

The ADA also requires that a public entity provide an opportunity for interested persons to participate in the self-evaluation process and also they must adopt and publish grievance procedures.

In the pursuit of compliance with Title II of the ADA, the City will first identify actions and budgets needed for compliance within the public right-of-way. Under this Scope of Services, Perteet, Inc. will assist the City in identifying the work needed to perform self-evaluations and prepare a Transition Plan and assist with accomplishing some of those tasks.

GENERAL SCOPE OF SERVICES

The purpose of this Scope of Services is for the Consultant to provide assistance to the City to plan for self-evaluations, and progress towards a Transition Plan, for facilities within the public right-of-way.

This Scope of Services describes the work elements to be accomplished by the Consultant for the services as summarized under each Task.



This Scope of Services consists of the following tasks:

- Task 1: Project Management and Coordination
- Task 2: Accessibility Practices, Procedures, and Standards Action Plan
- Task 3: Pedestrian Facility Self-Evaluation Framework

SCOPE OF SERVICES DEFINED

Task 1: Project Management and Coordination

The Consultant's Project Manager will be responsible to the City to ensure that the services accomplish the tasks identified in the Scope of Service, are completed on schedule, and meet the City's needs and expectations.

Overall project management and coordination work elements include:

- 1.1 Meetings and Coordination. Prepare for and attend Project Chartering Meeting with up to two (2) members of the Consultant team. Status updates by phone and email, and up to two (2) project status meetings with City's Project Manager.
- 1.2 Project set up, budget management, and schedule development.
- 1.3 Preparation of monthly progress reports and invoices.
- 1.4 Preparation of contract supplements or change management forms.

Deliverables:

- ADA Title II Compliance Chartering Outline – includes a summary of the areas that will be addressed in the first phase of work, and the City's goals for becoming compliant.
- Project Schedule prepared in Microsoft Project.
- Meeting notes prepared by the Consultant.
- Monthly progress reports and invoices.

Assumptions:

- The contract duration is no longer than 9 months.

Task 2: Accessibility Practices, Procedures, and Standards Action Plan

The purpose of this task is to review the City's existing practices, procedures, and standards that are influenced by ADA compliance requirements. The Consultant will review, analyze, and identify compliance deficiencies relative to Title II of the ADA, and the 2010 ADA Standards. The Consultant will make recommendations for potential changes in the City's current practices, procedures, and standards.

This task will consist of the following work elements by the Consultant:

- 2.1 Review of Title II Requirements and City Survey:** The Consultant will coordinate with City staff to gain a current status of the City's compliance with Title II and select 2010 ADA Standards if applicable.

The efforts for this subtask will include:

- The Consultant will prepare a summary format of the requirements of Title II;
- Survey of departments within the City to review current customer service and public meetings, hearings and events practices.



- 2.2 ADA Coordination Job Description:** The Consultant will work with the City staff to prepare a job description for an ADA Coordinator.
- 2.3 Policy on APS:** The Consultant will provide examples of APS policies and work with City staff to develop a draft APS policy for the City.
- 2.4 ADA Compliance Online Portal Assistance:** The Consultant will review the current comment and response methods the public has for communicating with the City. The Consultant will develop recommendations for providing an ADA compliance portal for the City's website that meets public notice requirements which will be used to communicate the City's draft and final ADA Transition Plans to the public. The portal or page shall include a plan and recommended performance measures ("tools") to accurately monitor and display the City's progress in eliminating barrier.
- 2.5 Grievance Policy and Procedures:** The Consultant will assist the City with developing a grievance policy and procedures for the public to inform the City of possible barriers to pedestrian accessibility. Work with city staff to review the formal grievance procedure, which provides citizens a means to file complaints. This effort will focus on the ability to comment on City policies or its provisions of services, activities and programs to persons with disabilities. The Consultant will coordinate with City staff to outline the internal process and identifying the responsible staff, identify the decision-making structure and support, and a process for determining corrective actions. It is envisioned that this will be a simple matrix flow-chart with key staff names and contacts; this will also highlight the ADA Coordinator and support structure developed by the City of Shoreline (i.e., department points of contacts / liaisons).
- 2.6 Prepare an Action Plan** for compliance to Title II, including:
- Summary of Title II requirements
 - The results of the evaluation efforts described above
 - Recommendations for implementing the ADA Coordinator position
 - Provide recommendations on ADA compliance documents (Standards and Guidelines) that would formally be adopted by the City
- 2.7 Attend City Council Meeting:** The Consultant team will attend one City Council meeting (up to 3 hours) as requested by the City. This will include one Consultant from Perteet and one Consultant from Fehr & Peers. This sub-task includes preparation of materials in support of the self-evaluation and Transition Plan planning if requested by City. Materials may include graphics or narrative descriptions/summaries of previous work tasks. The effort for this sub-task is limited to the fee shown in the fee worksheet.

Deliverables:

- Draft and Final ADA Coordinator Job Description
- Rough Draft and Draft APS Policy
- Recommendations for Online ADA Portal and Grievance Tool
- Draft and Final Grievance Policy and Procedures
- Draft and Final Accessibility Practices, Procedures, and Standards Action Plan – this will include identification of deficient areas, with recommendations for the actions needed to bring these areas into compliance.

Assumptions:

- City staff will be responsible for updating the City's website, including providing online mapping content. The Consultant will not host a website for this project. It is envisioned that the Consultant will work with City staff to develop performance measures that will be used as the "tool" for monitoring progress.



- City Staff is responsible for identifying key personnel for survey distribution and completion. City is responsible for compiling survey responses (it is envisioned that departments complete the survey in sequential order for ease).
- Evaluation of specific structural deficiencies for pedestrian facilities will not be included in this Task, but will be included in other tasks for the self-evaluation of the public right-of-way as identified in this Scope of Services, and in future phases of work for City owned site and building facilities.
- A detailed review of current City practices and procedures will not be conducted under this Scope of Services. The purpose of the staff survey will be to determine high level deficiencies, as a first step.

Task 3: Pedestrian Facility Self-Evaluation Framework

3.1 Pedestrian Facility Condition Assessment: The Consultant will perform an initial condition assessment of pedestrian facilities within the City's right-of-way, utilizing the City's video scan, asset management data, and field investigations. This initial assessment will be the foundation for establishing the extent of the facilities for which the City is responsible to perform a self-evaluation. Facilities will include:

- Curb ramps;
- Sidewalks;
- Driveway approaches;
- Street crossings;
- Pedestrian signals;
- On-street parking.

During this initial condition assessment, the Consultant will also identify pedestrian generators and places of public access, such as City offices, parks, and schools, and other important access locations identified by the City. The Consultant will use GIS geospatial analysis to tag facilities within a specified range of the identified attributes. These pedestrian generators and associated facilities may be used in the prioritization process.

This effort will include the following tasks by the Consultant:

- Review the City's video scan and asset management data.
- Identify facilities that are not included in the video scan or asset management data, or facilities that have insufficient information attached to the video scan and will need additional field recon to determine the status.
- Prepare a GIS based map identifying which facilities have sufficient data and those that do not.

Deliverables:

- Pedestrian Facility and Pedestrian Generator Map - identify the location and type of pedestrian facilities within the City and identify critical pedestrian generators or other key pedestrian areas.

Assumptions:

- The City has already identified the locations of the existing sidewalks and curb ramps within the City, as shown in the video scan prepared by Transmap or within the GIS data.
- This task will not perform a detailed ADA compliance evaluation of facilities.



3.2 Framework for Self-Evaluation: Based on the results of **Task 3.1**, the Consultant will develop a framework to perform the self-evaluation of physical barriers in the City's right-of-way that limit accessibility for individuals with disabilities.

The Consultant will coordinate with the City to establish a data collection and database storage system for the self-evaluation inventory of facility and barrier information (including, but not limited to barrier location, size, direction, severity or other prioritization rating, etc.) for all pedestrian facilities and accessibility barriers within the City's right-of-way. The Consultant will demonstrate the Perteet Smart Self-Evaluation Tool (P-SSET) as a potential system to be used by the City, as well as coordinate with the City regarding the City's existing methods, and City's goals for this system. Determining a system will include consideration of data collection staffing and ADA compliance knowledge. This task includes one (1) meeting at the City attended by up to two (2) Consultant staff.

Deliverables:

- Deliverables to be included in the Accessibility Self-Evaluation Action Plan as identified in **Task 3.3**.

Assumptions:

- The data collection and database storage shall be compatible for use with the City's Asset Management System and Geographic Information System (GIS) and mapping resources.
- If the City decides to utilize the P-SSET system, set up of this system for the City's facilities will be considered an additional service by the Consultant and is not included in this Scope of Services.

3.3 Accessibility Self-Evaluation Action Plan: Using the initial condition assessment from the work in **Task 3.1** and data collection methods and database identified in **Task 3.2**, the Consultant will develop an Accessibility Self-Evaluation Action Plan for the City. This will provide guidance and comparisons on methods, budget, and schedule for completing the self-evaluation within the right-of-way within the City's desired two-year timeframe. Methods and budgets for completion of field inventory will consider City staff (including temporary or seasonal staff), Consultant staff, or other potential staffing methods.

The Self-Evaluation Action Plan will also include prioritization guidance for both the self-evaluation and the construction improvements. It is anticipated that the Consultant will develop a Barrier Condition Rating for the pedestrian facility barriers and non-compliance and also an Accessibility Demand Rating, which identifies importance of use of the facility. The Accessibility Demand Rating will assess the frequency or importance of the facility's use by a pedestrian. Conditions that may contribute to this rating, for example, are proximity to City services, a park or other City owned facility, or a specific resident's accessibility needs. These ratings may be used for prioritizing the self-evaluation work and also later for prioritizing construction improvements in the next phase of work by the City.

This task includes **up to two (2) meetings** at the City with up to two Consultant staff to discuss measures for developing a Barrier Condition Rating and Accessibility Demand Rating. It is assumed that these measures would be prioritized by City staff and through the public involvement process in Task 7.

Deliverables:

- Draft and Final Accessibility Self-Evaluation Action Plan with text and graphics demonstrating the methodology for conducting the Barrier Condition Rating and Accessibility Demand Rating. The Action Plan will also include descriptions on methods for conducting the self-evaluation of facilities in the public right of way.
- Map demonstrating impacts on facilities based on the Accessibility Demand Rating.



Assumptions:

- Measures for prioritization will rely on readily available data. No new data will be collected as part of this task. Up to 6 measures will be assessed and illustrated on the map to demonstrate the Accessibility Demand Rating.
- This task does not include an inventory or review of facilities

3.4 ADA Compliance Self-Evaluation – Perteet Smart Self-Evaluation Tool (P-SSET): The purpose of this task is to provide assistance to the City to establish a data management system and data collection procedures and tools for the inventory of pedestrian facilities within the public right-of-way, to determine the status of ADA compliance. It is anticipated that pedestrian facilities that will be included in the self-evaluation will include curb ramps, sidewalks, driveway approaches within sidewalks, crosswalks, on-street parking and pedestrian signal systems.

Under this work element, the Consultant will establish a data management system, ADA compliance criteria for data collection, procedures for the inventory, and educate and train staff.

The specific Consultant services will consist of the following elements:

- **Identify Facilities and Compliance Criteria:** The Consultant will coordinate with City staff to confirm what ADA compliance criteria will be collected for each of the pedestrian facilities within the public right-of-way (curb ramps, sidewalks, driveway approaches within sidewalks, crosswalks, on-street parking and pedestrian signal systems based on the City's goals for prioritization of improvements.
- **Data Base and Data Collection:** The Consultant will coordinate with the City establish a data base that will be compatible with the City's current systems. The Consultant will initially set up the data base and modify P-SSET to meet the City's specific data collection goals. It is anticipated that the data collection system will utilize a hand held electronic tablet using Perteet's Self-Evaluation System with customized drop down menus and data entry fields. This task includes one meeting via phone conference and up to one (1) meeting at the City.
- **P-SSET Procedures and Best Practices Guide:** The Consultant will prepare a data collection procedures guide for the City (P-SSET Procedures and Best Practices Guide). The guide will include: summary of common ADA compliance guidelines; summary of how to use P-SSET and the data collection tools; procedures for data collection; summary of best practices for field measurements. This will include the preparation of a draft guide for the City's review and comment, and a final guide.
- **Staff Training:** The Consultant will train City staff on the use of P-SSET, the data collection tools, and managing the data base system. Training will include office training, anticipated **up to 2 hours** at the City. This will include a brief Power Point presentation if more than two (2) City staff attend.

Assumptions:

- Electronic tablet device(s) will be provided by the City.
- Data collection will be performed by the City's staff or interns.
- Data collection will be performed on an electronic tablet and downloaded to the data base.
- Downloading data collected daily and management of the data collected will be done by the City.
- Bus stops within the City right-of-way are the responsibility of the transit agencies.
- Establishing the inventory locations and timeline will be done by the City.
- Management of the data collection and staff will be done by the City.



3.5 P-SSET Technical and Inventory Support: The Consultant will provide on-call support to the City as requested during the self-assessment and data collection. This may include support with the data base, Perteet's Self-Evaluation System, ADA compliance criteria, and determinations of ADA compliance for pedestrian facilities for unique situations. The effort for this work element is limited to the budget identified in the fee summary.

OPTIONAL SERVICES

The Consultant may provide additional services as directed by the City which are not identified in this Scope of Services. Additional services shall not commence without written authorization and approval from the City and a supplement to the contract.

ITEMS NOT INCLUDED IN THE BUDGETED SCOPE OF SERVICES

1. Self-evaluation criteria and set up of the data base for ADA accessible bus stops.
2. Field training on ADA compliance and/or the use of P-SSET.
3. Management, coordination, and/or providing staff for field inventory.
4. Providing electronic devices for field inventory.
5. Review, inventory, and self-evaluation of buildings, parks, and other City owned facilities that are not within the public right-of-way limits or specifically identified in the Scope of Services.
6. Preparation of a Transition Plan for formal adoption by the City.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of External Workforce Regulations: Minimum Wage and Paid Sick Leave
DEPARTMENT:	City Manager's Office
PRESENTED BY:	Alex Herzog, CMO Management Analyst
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

Several Councilmembers have expressed interest in implementing citywide minimum wage and paid sick leave regulations. Regionally, nationally, and internationally, there are a number of different models for each, some of which are more widely adopted than others. Locally, SeaTac, Seattle, and Tacoma have implemented minimum wage and paid sick and safe time and other workforce regulations.

The local and national polices discussed in this staff report are examples and not meant as specific proposals for Council consideration. Nor is staff recommending any be used explicitly as models for similar legislation. Further outreach, legal review, and policy development would have to be conducted if the Council is in favor of enacting any external workforce regulation. Further, if the City enacts workforce regulations, other local jurisdictions' experiences with implementing these regulations indicate that Shoreline may need additional full-time staff for purposes of outreach and enforcement of these regulations.

Alternatively, Initiative 1433 (Attachment A), currently scheduled for statewide voter consideration in the November 8, 2016 General Election, would gradually increase the State's minimum wage to \$13.50 in 2020 and require employers throughout the state to provide one hour of paid sick leave for every 40 hours worked. Approval of this statewide Initiative would potentially usurp the need for local regulations to be enacted.

RESOURCE/FINANCIAL IMPACT:

There is no financial impact of tonight's discussion. Each external workforce regulation discussed tonight carries its own costs and other impacts. Financial, legal, and other in-depth analysis for any specific regulation have not been conducted. And, depending on the specifications of each regulation (i.e. thresholds for number of workers a business employs, number of hours worked by employees, definition of full-time employees, etc.), the impacts on Shoreline's approximate 2,600 businesses are unknown.

It is also important to note that the City's employees and budget may also be impacted by paid sick leave and minimum wage regulations. Currently, the City offers paid sick leave to full-time City employees; regular part-time employees accrue sick leave based on a pro-rata amount to reflect their normally scheduled workweek as compared to a full-time workweek of 40 hours; and extra help employees are not eligible for this benefit. And, many 'Extra Help' positions within the City are paid an hourly rate slightly above the state's 2016 minimum wage of \$9.47 per hour. If Council adopted regulations similar to those enacted locally, these workers would receive an increase in pay and begin accruing paid sick leave based on the number of hours worked. For example, a 2015 staff analysis showed that if a \$15 per hour minimum wage were established in the City, 145 Shoreline employees would be affected, resulting in a \$191,970 cost increase in the City's budget.

Further, if the City enacts workforce regulations, other local jurisdictions' experiences with implementing these regulations indicate that Shoreline may need additional full-time staff for purposes of outreach and enforcement of these regulations.

RECOMMENDATION

No formal action is required at this time though staff recommends that Council suspend outreach and development efforts of paid sick leave and minimum wage regulations in consideration of Initiative 1433, a statewide measure which is on track for voter consideration in the November 8 General Election. Initiative 1433 would gradually increase the State's minimum wage to \$13.50 in 2020 and require employers throughout the state to provide one hour of paid sick leave for every 40 hours worked.

Approved By: City Manager ***DT*** City Attorney ***MK***

BACKGROUND

Several Councilmembers have expressed interest in implementing citywide minimum wage and paid sick leave regulations. Regionally, nationally, and internationally, there are a number of different models for each, some of which are more widely adopted than others. Locally, SeaTac, Seattle, and Tacoma have implemented minimum wage and paid sick and safe time and other workforce regulations.

The local and national polices discussed in this staff report are examples and not meant as specific proposals for Council consideration or to be used explicitly as models for similar legislation. Further outreach and policy development would have to be conducted if the Council is in favor of enacting any external workforce regulation. If the City enacts workforce regulations, local jurisdictions' experiences with implementing and enforcing these regulations indicate that Shoreline may need additional full-time staff for outreach and enforcement purposes.

Paid Sick Leave

Paid Sick leave is generally time off from work that workers can use to stay home to address their health and safety needs without losing pay. Paid sick leave is a statutory requirement in many nations around the world; however, few jurisdictions in the US have such requirements.

Some paid sick leave models in the US include tiers by which employers must give employees paid sick leave depending on the number of hours worked per month and the total number of workers employed. For example, Seattle's paid sick and safe time leave, which took effect in September 2012, includes three tiers: employees at Tier I and II businesses (businesses that have more than four and fewer than 50 full-time equivalents, and businesses that have at least 50 and fewer than 250 full-time equivalents, respectively) accumulate one hour of paid sick leave for every 40 hours worked; employees at Tier III businesses (businesses that have 250 or more full-time equivalents) accumulate one hour of paid sick leave for every 30 hours worked.

Twenty cities across the US, including SeaTac, Seattle, Spokane, Tacoma, and Portland have laws that allow workers to earn paid sick days to recover from a short-term illness, care for a sick family member or seek routine medical care. Some of those also include provisions for paid "safe" days that provide earned leave that allows survivors of domestic violence, sexual assault, harassment and stalking to seek services related to these incidents.

Connecticut, California, Massachusetts and Oregon are the only states in the nation with statewide paid sick leave laws in effect that allow a significant share of workers in the state to earn paid sick days to recover from illness, seek medical care, or care for a sick family member. Here too, some include provisions for paid "safe" days that provide earned leave that allows survivors of domestic violence, sexual assault, stalking or harassment to seek services related to these incidents.

For reference, the City currently offers paid sick leave to full-time City employees; regular part-time employees accrue sick leave based on a pro-rata amount to reflect their normally scheduled workweek as compared to a full-time workweek of 40 hours; and extra help employees are not eligible for this benefit. If Council adopted paid sick leave regulations similar to those enacted locally, these workers would begin accruing paid sick leave based on the number of hours worked.

Minimum Wage Regulations

Washington State's 2016 minimum wage is \$9.47, and each year it is adjusted for inflation. A growing number of cities are examining the costs and benefits of implementing citywide laws that increase the minimum wage beyond the state requirement. Proponents say that local minimum wage regulations allow higher-cost cities to set minimum wage rates that better correspond to higher local living costs. Generally speaking, cities phase-in such laws over a period of years to help mitigate financial burdens on businesses.

As an example, Seattle's Minimum Wage Ordinance, adopted by the Seattle City Council in June 2014, took effect on April 1, 2015. The legislation provided for an increase in the minimum wage in Seattle to \$15 an hour, phased in over time:

- **Small employers** (businesses with fewer than 500 employees) will reach a \$15 an hour minimum wage in seven years. Also established is a temporary guaranteed minimum compensation responsibility of \$15 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 per hour in three years. The wages of employees who receive health care benefits will reach \$15 per hour in four years.

Similarly, in November 2015, Tacoma voters approved (with 75% voter approval) a \$12 per hour city minimum wage phased in over two years. The new minimum wage applies to almost all employees who work at least 80 hours per year within Tacoma city limits. It began with an increase to \$10.35 per hour on February 1, 2016. A separate ballot measure also on the November 2015 ballot to increase the minimum wage to \$15 an hour did not pass.

If Council is interested in enacting minimum wage regulations, impacts on the City's employees and overall financial picture should be considered. Many 'Extra Help' positions within the City are paid an hourly rate slightly above the state's 2016 minimum wage of \$9.47 per hour and would conceivably receive an increase should Council enact minimum wage regulations similar to other local jurisdictions. Below is a 2015 estimate of potential impacts on the City and some of its employees for various increases in the minimum wage of \$9.47 per hour:

What if in 2015 ...	# of affected people in 2015	# of affected hours in 2015	Cost increase in 2015*
\$1 over State Min Wage, \$10.47	76	18,911.00	\$12,284
\$2 over State Min Wage, \$11.47	105	30,757.75	\$39,536
\$3 over State Min Wage, \$12.47	130	39,188.25	\$76,656
\$4 over State Min Wage, \$13.47	139	41,146.25	\$119,613
\$5 over State Min Wage, \$14.47	144	43,995.50	\$166,553
\$5.53 over State Min Wage, \$15.00	145	44,737.00	\$191,970

**Includes increase to hourly rate, 401.a and Medicare; excludes the occasional impact of DRS contributions if and when a position qualifies.*

DISCUSSION

There are a number of developments at the state level that may impact the City's desire and ability to implement its own minimum wage and paid sick and safe time regulations.

Potential Statewide Regulations

Initiative 1433

Initiative 1433, if approved by a simple majority of voters in the November 8, 2016 General Election, would raise the state minimum wage incrementally over four (4) years to \$13.50 per hour. Tips and service charges paid to an employee are in addition to and may not count towards the employee's hourly minimum wage.

The initiative also provides, beginning January 1, 2018, opportunities for workers who lack the benefit to earn up to seven days per year of paid sick leave by accruing one hour of paid sick leave for every 40 hours worked. Employers who already provide wages or paid sick leave equal to or greater than the minimums outlined above would not be affected by this initiative. And, cities like Seattle, SeaTac and any other municipality that has chosen or chooses in the future to enact higher minimum wages or sick leave standards are free to do so under I-1433.

Though Shoreline's full-time regular employees accrue sick leave (and regular part-time employees at a pro-rata amount), Extra Help employees do not. If the initiative passes, the City will have to increase pay for and begin allowing a number of Extra Help employees to accrue sick leave.

Over the coming months, 246,372 valid voter signatures will need to be gathered to qualify this initiative for the November 8 General Election ballot.

Below is a comparison of local hourly minimum wage regulations and those proposed in Initiative 1433:

	2014	2015	2016	2017	2018	2019	2020
City of SeaTac*	\$15						
City of Seattle**	State wage	\$11	\$12	\$13	\$14	\$15	
City of Tacoma	State wage	State wage	\$10.35	\$11.15	\$12		
I-1433	State wage	State wage	State wage	\$11	\$11.50	\$12	\$13.50

*Minimum wage increases only for workers in the transportation and hospitality industries.

**For employees not receiving benefits or tips working at businesses that employ 500 or fewer workers.

Note: At the end of the incremental increases noted above, each minimum wage regulation includes provisions for annual increases based on the rate of inflation.

State Preemption and Prohibition

On February 1, 2016, the Washington State Senate Commerce & Labor Committee heard two proposals that would preempt cities from enacting minimum wage laws. The first proposal, Senate Bill 6087, increases the state minimum wage of \$9.47. Under this bill, employers who provide medical benefits would continue to be covered under the current state minimum wage. However, the minimum wage for employers who do not offer medical benefits would increase over five years until it reaches \$13 per hour on January 1, 2020. Employers would be able to take credits against the new minimum wage for tipped employees and sick leave. The proposal would not impact current minimum wage ordinances enacted by cities, but cities would be preempted from enacting new minimum wage laws.

Senate Bill 6087 received a hearing in the Senate Commerce & Labor Committee on February 1, but the bill did not make it out of committee during the regular legislative session this spring. This bill is not expected to progress during the current special session of the legislature.

The second proposal, Senate Bill 6578, prohibits cities, towns, and port districts from enacting any laws or regulations related to private employer wages, hours of work, employee retention, or leave. It also voids any current local laws or regulations on these issues. This bill passed out of the Senate Commerce & Labor Committee on February 4 with a split 4-3 vote along party lines. This bill now sits in the Rules Committee and requires a majority caucus vote to move it to the floor.

At the end of the regular session, this bill had not moved out of the Senate Rules Committee. Similar to SB 6087, this bill is not expected to progress during the current special session. Even if it did, it is unlikely the House would address the bill.

While both of these bills appear dead for this legislative session, it is always a possibility that they could be reintroduced in the legislature in the future, providing a potential threat to local minimum wage/sick leave regulations.

External Workforce Regulations Results/Impacts

Regionally, the full impacts of minimum wage and paid sick and safe time regulations on businesses are not yet fully known. Anecdotal negative impacts such as increased unemployment and rising costs for services and goods have so far not come to fruition. However, most jurisdictions that have substantially increased the state minimum wage have done so relatively recently and it is possible that not enough time has passed for full impacts to be felt. Additionally, minimum wage and paid sick and safe time regulations may have substantially different impacts from one business sector to another. Other factors, such as the general strength of the economy in an area may mitigate or exacerbate impacts as well. Studies in the coming years and months will provide further information on impacts.

In the meantime, in July 2014, one month after the Seattle City Council's vote to raise the city's minimum wage to \$15 by 2021, a team including University of Washington faculty and economists from the Washington State Employment Security Department convened to begin a research project evaluating the impact of the minimum wage ordinance.

Initial study results of Seattle's minimum wage increase to \$11 per hour show no statistically significant impact on consumer prices broadly. While consumer prices in Seattle increased by an average of one to two percent in the period between April and December, prices increased in locations just outside the City by a roughly equivalent amount. There was a noticeable uptick in restaurant prices in Seattle, which averaged 7.7% higher after April 1 compared to the baseline levels observed in March, but data collection did not permit reliable computation of a price trend in the surrounding area. Price data collection efforts resumed in 2016, following the January 1, 2016 increase to as much as \$13 per hour.

Originally conceived as a study of a single city, the UW minimum wage study will expand its scope to consider wage increases nationwide. The team expects to release its first comprehensive, nationwide analysis in June 2016. Staff will continue to monitor this study and its findings as they are available.

Outreach and Enforcement

Shoreline staff met with Seattle staff that developed the city's multiple external workforce regulations (paid sick and safe time, minimum wage, fair chance employment and wage theft) to discuss each and recent amendments adopted by the Seattle City Council in December 2015. Among the recently adopted amendments were those that aimed to bolster the city's enforcement capabilities and strengthen penalties for businesses found in violation. Attachment B provides a postcard that the City of Seattle provided to businesses regarding their newly adopted minimum wage regulations.

Also discussed with Seattle staff were the significant business outreach efforts that Seattle staff is regularly undertaking after continually finding that businesses in Seattle were unaware of the regulations three years after their enactment, and therefore not in compliance. In fact, the Seattle City Council recently allocated \$1 million to fund two years' worth of business outreach efforts regarding paid sick and safe time leave regulations to improve compliance.

If the City were to enact its own external workforce regulations, other jurisdictions' experiences with implementing and enforcing similar regulations indicate that Shoreline may need additional full-time staff for outreach and enforcement purposes should similar regulations be adopted.

The City Council could choose to follow an "external" enforcement process more similar to that found in Sea Tac's regulations. Those regulations provide that an employee may file an action in superior court to enforce the regulations and provide a presumption of non-compliance and other penalties if businesses do not comply, keep records or file required reports that the regulations require be filed with the City. Such an approach would reduce the amount of City staff needed for enforcement, however, there will still need to be some administrative oversight and outreach to the businesses and employees. With any enforcement provisions the Council will want to consider the costs to businesses and employees, as well as whether a particular approach will provide compliance with the regulations.

If Initiative 1433 is approved by voters, outreach and enforcement would fall to the State Department of Labor and Industries.

POTENTIAL OPTIONS

There are three preliminary policy/action options for Council consideration regarding external workforce regulations, the third of which is recommended by staff:

Option 1: Move Forward with External Workforce Regulation Adoption

Council could adopt a paid sick leave and/or minimum wage regulations via ordinance in the next few months.

While this option would require further analysis on particular specifications in each type of regulation (thresholds for number of workers a business employs, number of hours worked by employees, definition of full-time employees, etc.), it would potentially be the most expedient. To develop the City's regulations, other local jurisdictions' regulations might be used as a model.

Adoption of workforce regulations in the next few months would limit the City's ability to communicate and work with the business community to fully understand concerns and impacts. If this option is favored by Council, staff recommends that at the least, a letter be sent to businesses in the City stating and explaining the City's development of workforce regulations and a preliminary timeline of adoption and enactment.

Option 2: Conduct Business Outreach

Council could request staff begin an outreach program to businesses regarding paid sick leave and/or minimum wage regulations. Comments and findings generated through this process could be brought back to Council for further consideration and discussion with the intent on using this information to potentially inform the City's workforce regulation development.

An outreach program and timeline would have to be developed to determine how and when feedback from businesses in the City would be gathered. This program could include surveys, focus groups, and other methods to gather feedback.

This option would require more time than Option 1 for more extensive communication and outreach with businesses in the City.

Option 3: Temporarily Suspend Activities in Consideration of Initiative 1433

Council could suspend outreach and development efforts of paid sick leave and minimum wage regulations in consideration of Initiative 1433. Staff recommends this option.

To be included on the November 8 General Election ballot, 246,372 valid voter signatures in support of Initiative 1433 will need to be gathered. July 8 is the last day for signatures to be submitted to the Secretary of State, and a determination of eligibility would be rendered by mid-September. Council could suspend external workforce regulation activities until mid-September where a determination on the initiative's eligibility will be rendered by the State. If the initiative is not eligible for the November 8 General Election, Council could direct staff to resume outreach and development efforts of paid sick leave and minimum wage regulations.

If the initiative is eligible for that election, and passes, Council could then further consider if the regulations therein will suffice or need bolstering. If in that election, the measure does not pass, Council might consider reviewing the measure's popularity within the City to determine if residents might support enacting similar regulations locally.

FINANCIAL IMPACT

There is no financial impact of tonight's discussion. Each external workforce regulation discussed tonight carries its own costs and other impacts. Financial, legal, and other in-depth analysis for any specific regulation have not been conducted. And, depending on the specifications of each regulation (i.e. thresholds for number of workers a business employs, number of hours worked by employees, definition of full-time employees, etc.), the impacts on Shoreline's approximate 2,600 businesses are unknown.

It is also important to note that the City's employees and budget may also be impacted by paid sick leave and minimum wage regulations. Currently, the City offers paid sick leave to full-time City employees; regular part-time employees accrue sick leave based on a pro-rata amount to reflect their normally scheduled workweek as compared to a

full-time workweek of 40 hours; and extra help employees are not eligible for this benefit. And, many 'Extra Help' positions within the City are paid an hourly rate slightly above the state's 2016 minimum wage of \$9.47 per hour. If Council adopted regulations similar to those enacted locally, these workers would receive an increase in pay and begin accruing paid sick leave based on the number of hours worked. For example, a 2015 staff analysis showed that if a \$15 per hour minimum wage were established in the City, 145 Shoreline employees would be affected, resulting in a \$191,970 cost increase in the City's budget.

RECOMMENDATION

No formal action is required at this time. Staff recommends that Council discuss the external workforce regulation concepts and determine if there is additional information needed that staff may bring back for further discussion. Seattle and other local and national regulations are discussed below as examples and are not meant as proposals for Council consideration or to be used explicitly as models for similar legislation.

ATTACHMENTS

Attachment A: Proposed Initiative 1433

Attachment B: City of Seattle Minimum Wage Regulation Postcard

AN ACT Relating to fair labor standards; amending RCW 49.46.005, 49.46.020, 49.46.090, 49.46.100, and 49.46.120; adding new sections to chapter 49.46 RCW; prescribing penalties; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** It is the intent of the people to establish fair labor standards and protect the rights of workers by increasing the hourly minimum wage to \$11.00 (2017), \$11.50 (2018), \$12.00 (2019) and \$13.50 (2020), and requiring employers to provide employees with paid sick leave to care for the health of themselves and their families.

Sec. 2. RCW 49.46.005 and 1961 ex.s. c 18 s 1 are each amended to read as follows:

(1) Whereas the establishment of a minimum wage for employees is a subject of vital and imminent concern to the people of this state and requires appropriate action by the legislature to establish minimum standards of employment within the state of Washington, therefore the legislature declares that in its considered judgment the health, safety and the general welfare of the citizens of this state require the enactment of this measure, and exercising its police power, the legislature endeavors by this chapter to establish a minimum wage for employees of this state to encourage employment opportunities within the state. The provisions of this chapter are enacted in the exercise of the police power of the state for the purpose of protecting the immediate and future health, safety and welfare of the people of this state.

(2) Since the enactment of Washington's original minimum wage act, the legislature and the people have repeatedly amended this chapter to establish and enforce modern fair labor standards, including periodically updating the minimum wage and establishing the forty-hour workweek and the right to overtime pay.

(3) The people hereby amend this chapter to conform to modern fair labor standards by establishing a fair minimum wage and the right to paid sick leave to protect public health and allow workers to care for the health of themselves and their families.

PART I

ESTABLISHING FAIR LABOR STANDARDS BY INCREASING THE MINIMUM HOURLY WAGE TO \$11.00 (2017), \$11.50 (2018), \$12.00 (2019) AND \$13.50 (2020)

Sec. 3. RCW 49.46.020 and 1999 c 1 s 1 are each amended to read as follows:

~~(1) ((Until January 1, 1999, every employer shall pay to each of his or her employees who has reached the age of eighteen years wages at a rate of not less than four dollars and ninety cents per hour.~~

~~(2) Beginning January 1, 1999, and until January 1, 2000, every employer shall pay to each of his or her employees who has reached the age of eighteen years wages at a rate of not less than five dollars and seventy cents per hour.~~

~~(3) Beginning January 1, 2000, and until January 1, 2001, every employer shall pay to each of his or her employees who has reached the age of eighteen years wages at a rate of not less than six dollars and fifty cents per hour.~~

~~(4))~~ (a) Beginning January 1, 2017, and until January 1, 2018, every employer shall pay to each of his or her employees who has reached the age of eighteen years wages at a rate of not less than eleven dollars per hour.

(b) Beginning January 1, 2018, and until January 1, 2019, every employer shall pay to each of his or her employees who has reached the age of eighteen years wages at a rate of not less than eleven dollars and fifty cents per hour.

(c) Beginning January 1, 2019, and until January 1, 2020, every employer shall pay to each of his or her employees who has reached the age of eighteen years wages at a rate of not less than twelve dollars per hour.

(d) Beginning January 1, 2020, and until January 1, 2021, every employer shall pay to each of his or her employees who has reached the age of eighteen years wages at a rate of not less than thirteen dollars and fifty cents per hour.

(2)(a) Beginning on January 1, (~~(2001)~~) 2021, and each following January 1st as set forth under (b) of this subsection, every employer shall pay to each of his or her employees who has reached the age of eighteen years wages at a rate of not less than the amount established under (b) of this subsection.

(b) On September 30, (~~(2000)~~) 2020, and on each following September 30th, the department of labor and industries shall calculate an adjusted minimum wage rate to maintain employee purchasing power by increasing the current year's minimum wage rate by the rate of inflation. The adjusted minimum wage rate shall be calculated to the nearest cent using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index, for the twelve months prior to each September 1st as calculated by the United States department of labor. Each adjusted minimum wage rate calculated under this subsection (~~((4))~~) (2)(b) takes effect on the following January 1st.

~~((5))~~ (3) An employer must pay to its employees: (a) All tips and gratuities; and (b) all service charges as defined under RCW 49.46.160 except those that, pursuant to RCW 49.46.160, are itemized as not being payable to the employee or employees servicing the customer. Tips and service charges paid to an employee are in addition to, and may not count towards, the employee's hourly minimum wage.

(4) Beginning January 1, 2018, every employer must provide to each of its employees paid sick leave as provided in Part II of this act.

(5) The director shall by regulation establish the minimum wage for employees under the age of eighteen years.

PART II

ESTABLISHING FAIR LABOR STANDARDS BY REQUIRING EMPLOYERS TO

PROVIDE PAID SICK LEAVE TO EMPLOYEES

NEW SECTION. **Sec. 4.** The demands of the workplace and of families need to be balanced to promote public health, family stability, and economic security. It is in the public interest to provide reasonable paid sick leave for employees to care for the health of themselves and their families. Such paid sick leave shall be provided at the greater of the newly increased minimum wage or the employee's regular and normal wage.

NEW SECTION. **Sec. 5.** (1) Beginning January 1, 2018, every employer shall provide each of its employees paid sick leave as follows:

(a) An employee shall accrue at least one hour of paid sick leave for every forty hours worked as an employee. An employer may provide paid sick leave in advance of accrual provided that such front-loading meets or exceeds the requirements of this section for accrual, use, and carryover of paid sick leave.

(b) An employee is authorized to use paid sick leave for the following reasons:

(i) An absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;

(ii) To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care; and

(iii) When the employee's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a reason.

(c) An employee is authorized to use paid sick leave for absences that qualify for leave under the domestic violence leave act, chapter 49.76 RCW.

(d) An employee is entitled to use accrued paid sick leave beginning on the ninetieth calendar day after the commencement of his or her employment.

(e) Employers are not prevented from providing more generous paid sick leave policies or permitting use of paid sick leave for additional purposes.

(f) An employer may require employees to give reasonable notice of an absence from work, so long as such notice does not interfere with an employee's lawful use of paid sick leave.

(g) For absences exceeding three days, an employer may require verification that an employee's use of paid sick leave is for an authorized purpose. If an employer requires verification, verification must be provided to the employer within a reasonable time period during or after the leave. An employer's requirements for verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law.

(h) An employer may not require, as a condition of an employee taking paid sick leave, that the employee search for or find a replacement worker to cover the hours during which the employee is on paid sick leave.

(i) For each hour of paid sick leave used, an employee shall be paid the greater of the minimum hourly wage rate established in this chapter or his or her normal hourly compensation. The employer is responsible for providing regular notification to employees about the amount of paid sick leave available to the employee.

(j) Unused paid sick leave carries over to the following year, except that an employer is not required to allow an employee to carry over paid sick leave in excess of forty hours.

(k) This section does not require an employer to provide financial or other reimbursement for accrued and unused paid sick

leave to any employee upon the employee's termination, resignation, retirement, or other separation from employment. When there is a separation from employment and the employee is rehired within twelve months of separation by the same employer, whether at the same or a different business location of the employer, previously accrued unused paid sick leave shall be reinstated and the previous period of employment shall be counted for purposes of determining the employee's eligibility to use paid sick leave under subsection (1)(d) of this section.

(2) For purposes of this section, "family member" means any of the following:

(a) A child, including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;

(b) A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;

(c) A spouse;

(d) A registered domestic partner;

(e) A grandparent;

(f) A grandchild; or

(g) A sibling.

(3) An employer may not adopt or enforce any policy that counts the use of paid sick leave time as an absence that may lead to or result in discipline against the employee.

(4) An employer may not discriminate or retaliate against an employee for his or her exercise of any rights under this chapter including the use of paid sick leave.

PART III

MISCELLANEOUS

NEW SECTION. **Sec. 6.** (1) Beginning January 1, 2017, all existing rights and remedies available under state or local law for enforcement of the minimum wage shall be applicable to enforce all of the rights established under this act.

(2) The state shall pay individual providers, as defined in RCW 74.39A.240, in accordance with the minimum wage, overtime, and paid sick leave requirements of this chapter.

Sec. 7. RCW 49.46.090 and 2010 c 8 s 12043 are each amended to read as follows:

(1) Any employer who pays any employee less than ~~((wages))~~ the amounts to which such employee is entitled under or by virtue of this chapter, shall be liable to such employee affected for the full amount ~~((of such wage rate))~~ due to such employee under this chapter, less any amount actually paid to such employee by the employer, and for costs and such reasonable attorney's fees as may be allowed by the court. Any agreement between such employee and the employer ~~((to work for))~~ allowing the employee to receive less than ~~((such wage rate))~~ what is due under this chapter shall be no defense to such action.

(2) At the written request of any employee paid less than the ~~((wages))~~ amounts to which he or she is entitled under or by virtue of this chapter, the director may take an assignment under this chapter or as provided in RCW 49.48.040 of such ~~((wage))~~ claim in trust for the assigning employee and may bring any legal action necessary to collect such claim, and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court.

Sec. 8. RCW 49.46.100 and 2010 c 8 s 12044 are each amended to read as follows:

(1) Any employer who hinders or delays the director or his or her authorized representatives in the performance of his or her duties in the enforcement of this chapter, or refuses to admit the

director or his or her authorized representatives to any place of employment, or fails to make, keep, and preserve any records as required under the provisions of this chapter, or falsifies any such record, or refuses to make any record accessible to the director or his or her authorized representatives upon demand, or refuses to furnish a sworn statement of such record or any other information required for the proper enforcement of this chapter to the director or his or her authorized representatives upon demand, or pays or agrees to pay (~~wages at a rate less than the rate applicable~~) an employee less than the employee is entitled to under this chapter, or otherwise violates any provision of this chapter or of any regulation issued under this chapter shall be deemed in violation of this chapter and shall, upon conviction therefor, be guilty of a gross misdemeanor.

(2) Any employer who discharges or in any other manner discriminates against any employee because such employee has made any complaint to his or her employer, to the director, or his or her authorized representatives that he or she has not been paid wages in accordance with the provisions of this chapter, or that the employer has violated any provision of this chapter, or because such employee has caused to be instituted or is about to cause to be instituted any proceeding under or related to this chapter, or because such employee has testified or is about to testify in any such proceeding shall be deemed in violation of this chapter and shall, upon conviction therefor, be guilty of a gross misdemeanor.

Sec. 9. RCW 49.46.120 and 1961 ex.s. c 18 s 4 are each amended to read as follows:

This chapter establishes ((a)) minimum standards for wages, paid sick leave, and working conditions of all employees in this state, unless exempted herefrom, and is in addition to and supplementary to any other federal, state, or local law or ordinance, or any rule or regulation issued thereunder. Any standards relating to wages, hours, paid sick leave, or other working conditions established by

any applicable federal, state, or local law or ordinance, or any rule or regulation issued thereunder, which are more favorable to employees than the minimum standards applicable under this chapter, or any rule or regulation issued hereunder, shall not be affected by this chapter and such other laws, or rules or regulations, shall be in full force and effect and may be enforced as provided by law.

NEW SECTION. **Sec. 10.** The state department of labor and industries must adopt and implement rules to carry out and enforce this act, including but not limited to procedures for notification to employees and reporting regarding sick leave, and protecting employees from retaliation for the lawful use of sick leave and exercising other rights under this chapter. The department's rules for enforcement of rights under this act shall be at least equal to enforcement of the minimum wage.

NEW SECTION. **Sec. 11.** The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act. Nothing in the act precludes local jurisdictions from enacting additional local fair labor standards that are more favorable to employees, including but not limited to more generous minimum wage or paid sick leave requirements.

NEW SECTION. **Sec. 12.** This act shall be codified in chapter 49.46 RCW and is subject to RCW 49.46.040 (Investigation, etc.) and RCW 49.46.070 (Recordkeeping).

NEW SECTION. **Sec. 13.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 14.** This act takes effect on January 1, 2017.

--- END ---

Seattle has a new Minimum Wage.

Beginning April 1, 2015, employees working in Seattle earn at least **\$11.00/hour**.

The City of Seattle's minimum wage will rise to **\$15.00/hour** over several years.

TO MEET THE MINIMUM WAGE ON APRIL 1, 2015

LARGE EMPLOYERS (501+ EMPLOYEES)

Pay hourly rate of at least **\$11.00**/hour.

Beginning 2016, pay a reduced hourly rate if the employer makes payments toward an employee's medical benefits plan.

SMALL EMPLOYERS (500 OR FEWER EMPLOYEES)

Pay hourly rate of at least **\$11.00**/hour;

Or pay **\$10.00**/hour and make up the balance with employee tips and/or payments toward an employee's medical benefits plan.

ALSO ON APRIL 1

New employee protections on WAGE THEFT!

Employers must pay employees what they're owed and provide written wage/tip info.

LEARN MORE



- seattle.gov/laborstandards
- minimumwage@seattle.gov
- (206) 684-4500

THE OFFICE OF LABOR STANDARDS (OLS) WILL INVESTIGATE POSSIBLE VIOLATIONS

—OLS IS A NEW DIVISION WITHIN THE SEATTLE OFFICE FOR CIVIL RIGHTS—

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